



CITY COUNCIL
Regular Meeting – November 11, 2019 6:00 p.m.
Council Chambers

PRESENTATIONS

- ◆ The Electric Wolves, First Lego League Team

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Vice Mayor Garcia
- IV. APPROVAL OF AGENDA
- V. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-22 PUD 17-4 AMEND 9/19 Rock Drive MOB (Second Reading)
 - B. Ordinance 19-23 Beavercreek Development Corporation (BDC) Articles of Incorporation (Second Reading)
 - C. Ordinance 19-24 Beavercreek Development Corporation (BDC) Code of Regulations (Second Reading)
 - D. Resolution 19-66 Necessity and Intent to Appropriate Property (Charles Beaver) for the Dayton-Xenia Road Widening Project
 - E. Ordinance 19-25 Appropriate the Right-of-Way (Charles Beaver) for the Dayton-Xenia Road Widening Project (Emergency)
 - F. Resolution 19-67 Necessity and Intent to Appropriate Property (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project
 - G. Ordinance 19-26 Appropriate the Right-of-Way (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project (Emergency)
 - H. Resolution 19-68 Necessity and Intent to Appropriate Property (Balaji Investments) for the Dayton-Xenia Road Widening Project
 - I. Ordinance 19-27 Appropriate the Right-of-Way (Balaji Investments) for the Dayton-Xenia Road Widening Project (Emergency)
 - J. Resolution 19-65 Awarding of Debris Contract
- VI. DECISION ITEMS
 - A. Acceptance of Third Quarter Financial Summary
- VII. COUNCIL TIME
- VIII. MAYOR'S REPORT
- IX. CITY MANAGER'S REPORT
- X. CITIZEN COMMENTS
- XI. ADJOURNMENT

ORDINANCE NO. 19-22

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE AMENDING ORDINANCE #17-30 (PUD 17-4, ROCK DRIVE DEVELOPMENT) TO ADD 2.94 ACRES TO THE EXISTING 6.4-ACRE PUD

Whereas YOLO Development, 3500 Pentagon Blvd. Beavercreek OH 45431, has requested this zoning amendment; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the zoning amendment with conditions and requirements; and

Whereas, the City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.072 of the Zoning Code; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code be amended to change approximately 2.94 acres of land, are located on the west side of North Fairfield Road, approximately 900 feet south of the intersection of Lantz Road and North Fairfield Road from B-2 Community Commercial, and R-1A One Family Residential, to C-PUD, Commercial Planned Unit Development.

SECTION II

1. All conditions of PUD 17-4 remain in full force and effect except where modified herein.
2. The 2.9345 acres, as highlighted in Exhibit A, shall be added to PUD 17-4.

SECTION III

This Ordinance shall take effect from and after the earliest period allowed by law.

SECTION IV

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

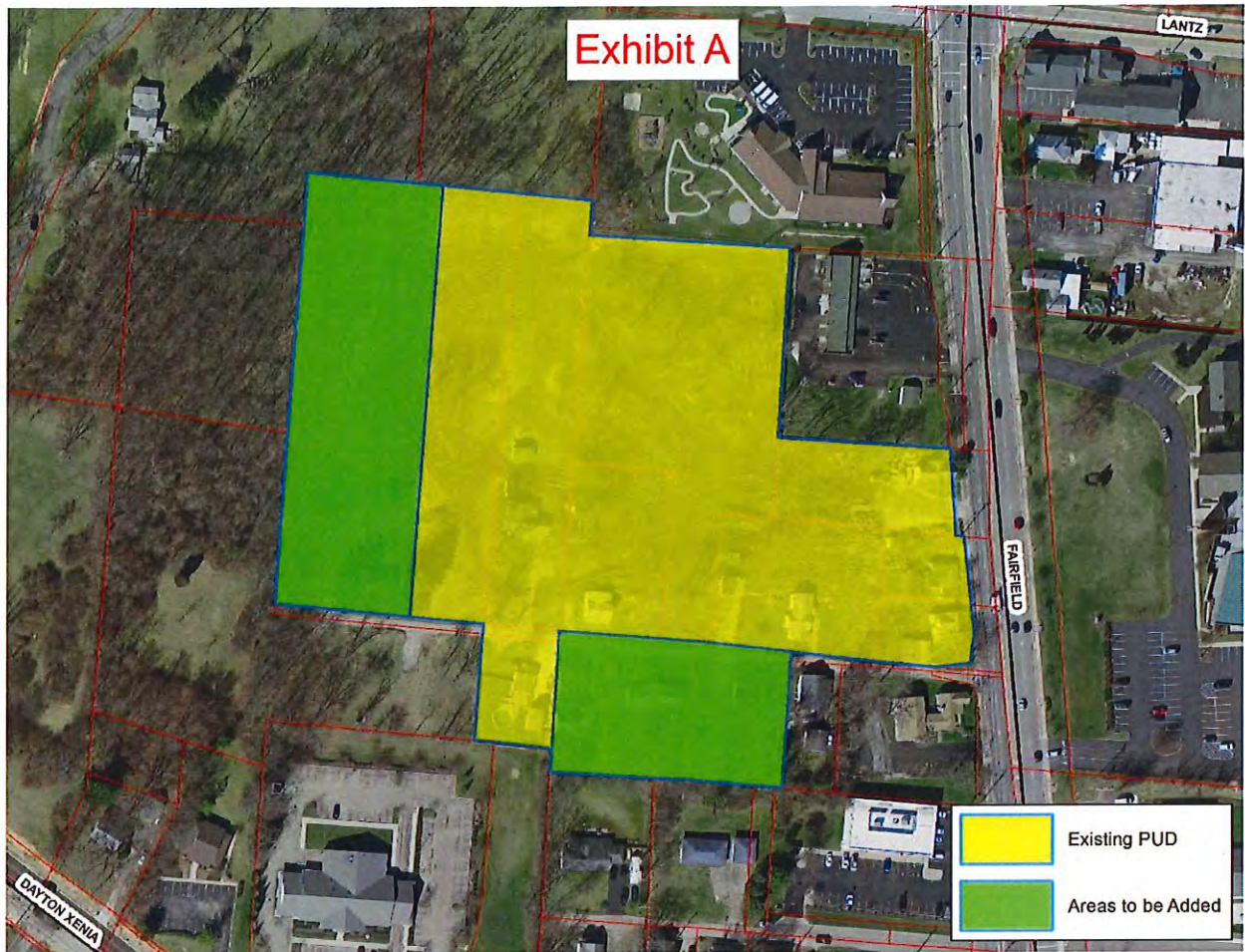
Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone 2.94 acres from B-2 and R-1A to C-PUD 17-4.

This is not an emergency ordinance and will become effective 30 days after passage.

Agenda Item V. A.
Second Reading



ORDINANCE NO. 19-23

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER CURRAN ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE AUTHORIZING THE FILING OF THE ARTICLES OF INCORPORATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION, ADOPTING THE ARTICLES OF INCORPORATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AND APPROVING THE DESIGNATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AS THE DESIGNATED DEVELOPMENT AGENCY FOR THE CITY OF BEAVERCREEK

WHEREAS, the Beavercreek City Council is committed to advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio; and

WHEREAS, pursuant to Ohio Revised Code 1724.10, City Council has the authority to designate the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek for the industrial, commercial, distribution, housing, and research development of the City; and

WHEREAS, City Council has determined that the creation of the Beavercreek Development Corporation will facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City; and

WHEREAS, City Council has determined that the designation of the Beavercreek Development Corporation as the designated development agency of the City of Beavercreek will further promote economic and housing development within the City.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I: Council hereby authorizes the filing and adoption of the Articles of Incorporation, with an effective starting date of January 1, 2020, as shown in Attachment "A" attached hereto and incorporated herein.

SECTION II: Council hereby authorizes the City Manager to work with the Board of Directors of the Beavercreek Development Corporation to accomplish the mandates set forth in the Articles of Incorporation as shown in Attachment "A" attached hereto and incorporated herein.

Agenda Item V. B.
Second Reading

SECTION III: Council hereby designates the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek pursuant to Ohio Revised Code 1724.10.

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

**Attachment to Articles of Incorporation
of
Beavercreek Development Corporation**

THIRD: The purpose for which the corporation is formed

- A. To advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code;
- B. To facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City;
- C. To promote economic and housing development within the City; and
- D. Said corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). (This reference and all future references herein to any section of the Code shall be deemed to include all regulations promulgated thereunder and any corresponding provision of any future United States internal revenue law and the regulations thereunder.)

FOURTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

FIFTH: Notwithstanding any other provision of these Articles, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.

SIXTH: In the event of any voluntary or involuntary dissolution, liquidation, or failure to reinstate these Articles of Incorporation after cancellation thereof, any remaining assets of the corporation shall be paid over and distributed by the Board of Directors with the approval of the Court of Common Pleas of Greene County, Ohio, to one or more political subdivisions of the State of Ohio from which on the date of the dissolution, liquidation or cancellation of the Articles of Incorporation there exists a designation of the corporation to act as agent pursuant to Article Third hereof, to be used exclusively for designated civic projects or public charitable purposes.

ORDINANCE NO. 19-24

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE APPROVING AND ADOPTING THE CODE OF REGULATIONS OF THE BEAVERCREEK DEVELOPMENT CORPORATION AND APPROVING THE DESIGNATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AS THE DESIGNATED DEVELOPMENT AGENCY FOR THE CITY OF BEAVERCREEK

WHEREAS, the Beavercreek City Council is committed to advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio; and

WHEREAS, pursuant to Ohio Revised Code 1724.10, City Council has the authority to designate the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek for the industrial, commercial, distribution, housing, and research development of the City; and

WHEREAS, City Council has determined that the creation of the Beavercreek Development Corporation will facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City; and

WHEREAS, City Council has determined that the designation of the Beavercreek Development Corporation as the designated development agency of the City of Beavercreek will further promote economic and housing development within the City.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I: Council hereby approves and adopts the Code of Regulations as shown in Attachment "A" attached hereto and incorporated herein.

SECTION II: Council hereby authorizes the City Manager to work with the Board of Directors of the Beavercreek Development Corporation to accomplish the mandates set forth in the Code of Regulations as shown in Attachment "A" attached hereto and incorporated herein.

SECTION III: Council hereby designates the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek pursuant to Ohio Revised Code 1724.10.

Agenda Item V. C.
Second Reading

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

PASSED this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

**CODE OF REGULATIONS
OF
BEAVERCREEK DEVELOPMENT CORPORATION**

**ARTICLE I
MEMBERSHIP**

Section 1. The directors named by the incorporator of the Corporation shall be the first members and all persons thereafter elected by the members shall upon such election become members of the Corporation.

Section 2. Any regular member may resign at any time by notice in writing delivered to any officer of the Corporation other than himself. If a member misses three consecutive meetings, the member shall be deemed to have resigned. The resignation of a member shall constitute resignation by such person as a director and officer.

**ARTICLE II
MEETINGS OF MEMBERS**

Section 1. The first Board of Directors shall be appointed by the Beavercreek City Council following approval of this Code of Regulations by the Beavercreek City Council. The Board of Director terms shall be as provided herein and the membership of the first Board of Directors shall be in accordance with Article III. There shall be an annual meeting of the members of the Corporation within a period of four (4) months following the close of each fiscal year of the Corporation, on such date in such period as shall be designated by the Board of Directors and at such time and place in the City of Beavercreek Ohio, as shall be fixed in the notice of the meeting, provided that if the Board of Directors does not fix such date, time and place by the last day of the third month following the close of such fiscal year, then the President of the Corporation shall do so.

Section 2. Special meetings of the members may be called and the time, date and place (which shall be within the City of Beavercreek, Ohio) of the special meetings specified, by the President, the Executive Committee, or any three members of the Board of Directors.

Section 3. A majority of the members shall constitute a quorum for the transaction of business at any meeting of the members.

Section 4. Any action which may be taken at a meeting of the members at which a quorum is present may be taken by the affirmative vote of a majority of the members present at such meeting.

Section 5. A written or printed notice of every annual or special meeting of the members, stating the time, place and purpose thereof, shall be given to each member entitled to vote thereat and to each member entitled to notice as provided by law, which notice may be given to a member in person or may be mailed by first class mail to his last address appearing on

the books of the Corporation at least five (5) days prior to any such meeting. Any member may waive in writing, either before or after the holding of such meeting, any notice required to be given by law or under these regulations; and by attendance at any meeting without protesting the lack of proper notice, or by voting at any meeting, a member shall be deemed to have waived notice thereat.

ARTICLE III **BOARD OF DIRECTORS**

Section 1. The Board of Directors shall be the governing board of the Corporation. Directors shall serve for one year terms except as otherwise hereinafter provided. At any time during which the Corporation is acting as the designated agent of one or more political subdivisions, in accordance with Chapter 1724 of the Ohio Revised Code, not less than two-fifths of the Board of Directors shall be composed of appointed or elected officers of such political subdivision or subdivisions, and at least one officer of each such political subdivision shall be a member of the Board of Directors.

Section 2. The Board of Directors shall be constituted as follows:

The Mayor of Beavercreek, or if the Mayor declines a member of Beavercreek City Council as appointed by a majority of Beavercreek City Council
The Beavercreek City Manager
The Beavercreek Planning and Economic Development Director
An appointee with commercial real estate experience or commercial lending experience
One Beavercreek resident selected by the members

Section 3. A Director may be removed for good cause shown by the vote of at least ninety percent of the remaining members of the Board of Directors or may resign at any time by notice in writing delivered to any officer of the Corporation other than himself.

Section 4. Except in the case of death, removal or resignation, a Director shall serve until his successor has been elected. In the event of any vacancy caused by the death, removal or resignation of a Director or by the failure of the members to fill all the positions on the Board at the meeting at which the number of Directors on the Board was fixed pursuant to Section 1 of this Article, any such vacancy may be filled by the vote of a majority of the remaining Directors.

ARTICLE IV **MEETINGS OF THE BOARD OF DIRECTORS**

Section 1. After each annual meeting of the members, or special meeting in lieu thereof, the newly elected Board of Directors, if a quorum thereof be present, shall hold an organizational meeting at the same place for the purpose of electing officers and transacting any other business. Notice of such meeting need not be given. If for any reason, said organizational meeting is not held at such time, a special meeting for such purpose shall be held as soon thereafter as practicable.

Section 2. Regular meetings of the Board of Directors may be held at such times and places within the City of Beavercreek, Ohio, as shall be provided for in the regulations or resolutions adopted by the Board of Directors and no notice of such meeting need be given unless otherwise provided in the regulations or resolutions adopted by the Board of Directors. Special meetings may be called by the President, Executive Committee or any three members of the Board of Directors. The notice of any special meeting shall set forth the time, date and place thereof (which shall be within the City of Beavercreek, Ohio) and the person or persons calling such meeting shall cause such notice to be given. Notice of each such meeting shall be given to each Director in writing, by personal delivery, first class mail, or email, and such writing shall be delivered, mailed or emailed not less than three (3) days prior to such meeting; provided, however, that such notice shall be deemed to have been waived by the Directors attending such meeting without protesting the lack of proper notice, or by noting at any such meeting and may be waived in writing or by telegram or cablegram by any Director either before or after such meeting. Unless otherwise limited in the notice thereof, any business may be transacted at any special meeting.

Section 3. At any meeting of the Board of Directors, a quorum shall consist of a majority of the Directors in office at the time.

Section 4. Except as otherwise provided in this Code of Regulations, any action which may be taken at a meeting of the Board of Directors may be taken by a vote of a majority of the Directors present at such meeting, provided that a quorum is present.

Section 5. Any action which may be authorized or taken at a meeting of the Board of Directors may be authorized or taken without a meeting with the affirmative vote or approval of, and in a writing or writings signed by, all of the members of the Board of Directors then in office.

ARTICLE V **OFFICERS**

Section 1. The Board of Directors shall elect a President, a Secretary/Treasurer and may elect an Executive Director and such other officers as the Board of Directors may deem appropriate. The President and Vice President shall be, and the other officers may, but need not, be chosen from the members of the Board of Directors. Any two of the offices may be held by one person, but in any case in which the action of more than one officer is required, no one person shall sit in more than one capacity. The office of Secretary/Treasurer shall be held by the Financial Administrative Services Director for the City of Beavercreek.

Section 2. Any officer may resign at any time by notice in writing delivered to any officer of the Corporation other than himself.

Section 3. Except in the case of death, removal or resignation, an elected officer shall serve until his successor has been elected. In the event of death, removal or resignation of an elected officer (other than the President if there is a Vice President in office at the time), the Board of Directors shall elect a successor for the balance of the unexpired term of such officer

position. In the event of the death or resignation of the President (if there is a Vice President in office at the time), the Vice President shall assume the office of President for the balance of the unexpired term, and shall be deemed to have resigned the office of Vice President.

ARTICLE VI

DUTIES OF OFFICERS

Section 1. The President shall preside at meetings of the Board of Directors, may designate the date, time and place of meeting of the members and Board of Directors as provided herein, may execute all authorized instruments, including, without limitation, contracts, bonds, notes, debentures, deeds, mortgages and other obligations in the name of and on behalf of the Corporation, and shall perform such other duties as the Board of Directors may require.

Section 2. In case of the absence or disability of the President, or when circumstances prevent the President from acting, the Vice President, if any, shall perform all of the duties of the President and, in such case, shall have all of the powers and obligations of the President, and any such instruments so executed by the Vice President shall be as valid and binding as though executed by the President. The Vice President shall also perform such other duties as the Board of Directors may require.

Section 3. The Secretary/Treasurer shall take and keep records of the meetings of the members and of the Board of Directors, conduct such correspondence of the Corporation as may be designated by the President, perform the usual duties of his office and perform such other duties as the Board of Trustees may require.

The Secretary/Treasurer shall be the custodian of all funds and securities in other corporations and similar property belonging to the Corporation and shall do with the same as may be ordered by the Board of Directors. He shall keep accurate financial accounts and hold the same open for examination of the Directors. On the expiration of his term of office, he shall turn over to his successor or the Board of Directors all property, books, papers, and moneys of the Corporation in his hands.

Section 4. The Board of Directors may also elect for a term of one year one or more Assistant Secretary/Treasurer, who shall perform the duties of the Secretary/Treasurer in the case of the absence or disability of such Secretary/Treasurer, together with such other duties as the Board of Directors may from time to time prescribe. The power of such officers to execute all authorized deeds, mortgages, bonds, notes, contracts, and other obligations in the name of and on behalf of the Corporation shall be coordinate with like powers of the Secretary/Treasurer, and any such instrument so executed by any Assistant Secretary/Treasurer shall be as valid and binding as though executed by the Secretary/Treasurer. Such other officers as the Board of Directors may elect shall have such powers and duties as the Board of Directors may from time to time prescribe.

Section 5. The Executive Director, if one shall be elected, shall be the chief administrative officer of the Corporation. He shall be responsible for supervising the property, business and affairs of the Corporation, subject to the direction of the Board of Directors. He

may execute all authorized instruments including, without limitation, contract, bonds, notes, debentures, deeds, mortgages and other obligations in the name of and on behalf of the Corporation, and shall perform such other duties as the Board of Directors may require. If an Executive Director is not elected, the duties and powers set forth herein shall be performed by and be applicable to one or more other officers as provided in Section 6 of this Article. The Executive Director shall be a non-voting member on the Board of Directors.

Section 6. The Board of Directors is authorized to delegate the duties of any officer to any other officer and generally to control the actions of the officers and to require the performance of duties in addition to those mentioned herein.

Section 7. Any officer, if required by the Board of Directors, shall give bond in such form and with such security as the Board of Directors from time to time may require for the faithful performance of his duties.

Section 8. The Board of Directors shall select depositories for the safekeeping of the moneys of the Corporation and establish the procedure for deposit and withdrawal of such moneys. In lieu of such deposit, the Board of Directors from time to time may authorize investment, of such moneys of the Corporation as are not then required, in any obligations in which a county or municipal corporation is authorized by the applicable sections of the Ohio Revised Code to invest its moneys.

ARTICLE VII **COMMITTEES**

Section 1. The Executive Committee of the Board of Directors shall be designated in accordance with and shall be subject to the following provisions:

- (a) At any meeting of the Board of Directors, it may designate an Executive Committee consisting of such number of Directors as the Board from time to time determines. The President shall be member of and shall serve as chairman of the Executive Committee.
- (b) Except as otherwise provided by the Board of Directors, the Executive Committee shall meet at such times and places it shall determine. The call of such meetings and giving of notice thereof shall be in the manner established by such Committee. At any meeting of said Committee, a quorum shall consist of a majority of the members, but the affirmative vote of a majority of all members of the Committee shall be necessary to the taking of any action by the Committee.
- (c) The Executive Committee may adopt regulations or resolutions to provide for the conduct of its affairs, provided that such regulations or resolutions shall not be contrary to the regulations or resolutions adopted by the Board of Directors, this Code of Regulations or the Articles of Incorporation of the Corporation.

- (d) The Executive Committee shall serve at the pleasure of the Board of Directors and, during the intervals between meetings of the Board, shall possess and may exercise such powers of the Board as may be delegated from time to time by the Board to it, provided that the Executive Committee shall not be empowered to fill vacancies in the Board of Directors or officers of the Corporation, nor to fill vacancies in or add to its own membership.

Article 2. The Board of Directors may create other committees of the Board to consist of not less than three Directors, and may delegate to such committees such powers and duties of the Board as it shall deem appropriate. Except as otherwise provided by the Board of Directors, each such committee shall regulate its own procedure.

ARTICLE VIII

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 1. The Corporation shall indemnify any Director, officer, agent, or employee, or a former Director, officer, agent, or employee of the Corporation, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement or incurred in connection with the defense or settlement of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative, to which such Director, officer, agent, or employee was or is a party or is threatened to be made a party by reason of the fact that he is or was such Director, officer, agent, or employee, to the extent that any such expenses or amounts were actually incurred, provided:

- (a) that he acted in good faith in what he reasonably believed to be in or not opposed to the best interests of the Corporation; and
- (b) that, in any matter the subject of a criminal action, suit or proceeding, he had no reasonable cause to believe that his conduct was unlawful.

The determination as to (a) and (b) above shall be made (i) by the Board of Directors by a majority vote of a quorum consisting of Directors who were not and are not parties to or threatened with any such action, suit or proceeding, or any other action, suit or proceeding arising from the same or similar operative facts, or (ii) if such a quorum is not obtainable, or even if obtainable if a majority of such quorum of disinterested Directors so directs, in a written opinion by independent legal counsel other than an attorney, or a firm having associated with it an attorney, who has been retained by or who has performed services for the Corporation, or any person to have been so indemnified within the past five years; or (iii) by the Court of Common Pleas or the court in which the action, suit or proceeding was brought.

The termination of any claim, action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of guilty or nolo contendere or its equivalent, shall not, of itself, create a presumption that such person did not meet the standards of conduct referred to above.

Notwithstanding the foregoing, in any action by or in behalf of the Corporation, no indemnification shall be made in respect of any claim, issue or matter as to which such present or

former Director, officer, agent, or employee shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the Court of Common Pleas or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such present or former Director, officer, agent, or employee is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

To the extent that any such person has been successful on the merits or otherwise with respect to any action, suit or proceeding referred to above, or in the defense of any claim, issue or matter therein, such person shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred in connection therewith without the determination specified above.

The Corporation may pay expenses, including attorneys' fees, incurred in connection with defending any action, suit or proceeding referred to above prior to final disposition thereof, as authorized by the Board of Directors upon receipt of a satisfactory undertaking by such person to repay such amount, unless it shall ultimately be determined that such person is entitled to indemnification by the Corporation as herein authorized.

The indemnification provided by this Article shall not be deemed exclusive of, or in any way to limit, any other rights to which any person seeking indemnification may be entitled as a matter of law, by the Articles, regulations, agreements, insurance, or otherwise, with respect to acting in his official capacity, and shall continue as to a person who has ceased to be a Director, officer, agent, or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

Section 2. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, officer, agent, or employee, against any liability asserted against him and incurred by him in any capacity, or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Articles or of the Ohio Revised Code.

Section 3. If any part of this Article shall be found, in any action, suit or proceeding, to be invalid or ineffective, the validity and the effect of the remaining parts shall not be affected.

ARTICLE IX **FISCAL YEAR**

Section 1. The fiscal year of the Corporation shall be from January to December, inclusive, unless another fiscal year is adopted.

ARTICLE X
AMENDMENTS

This Code of Regulations may be amended by assent thereto in a writing signed by at least two-thirds of the members, or by a majority vote at any meeting of the members, provided that the notice of said meeting stated the consideration of the amendment to be the purpose or a purpose of the meeting.

Adopted: _____, 2019

PCA

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Charles Beaver Property
Agenda Reference No.: V. D.	Resolution No. <u>19-66</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Dr. and Beaverbrook Dr. to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Charles Beaver have been unsuccessful to date. Mr. Beaver passed away many years ago and the City's right-of-way acquisition consultant has been unable to locate an individual that would have the legal authority to sell the necessary property rights to the City. The passage of this Resolution and the accompanying Ordinance will allow for this project to proceed if no heirs of Mr. Beaver can be located.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-66**

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY
OF NOVEMBER, 2019.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO
ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER
PROPERTY INTERESTS OWNED BY CHARLES I. BEAVER, WITH
INTEREST BY OTHERS, FOR THE DAYTON-XENIA ROAD WIDENING
PROJECT, IN THE CITY OF BEAVERCREEK, OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain permanent and temporary right-of-way and easements in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit 'A', and Exhibit 'B' attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Charles I. Beaver, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in

possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:
Publication of this Resolution is not required.

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 58-WD
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Pt. Lot 388 of Knollwood Estates, Section 5 plat as recorded in Plat Cabinet 31, Page 320B of the plat records of Greene County, Ohio and conveyed to Charles I. Beaver as recorded in Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1-1/4 inch iron pipe found, said iron pipe found being the southwest corner of Lot 292 of said Knollwood Estates, Section 5 plat, said crimped iron pipe found being on the existing north right of way line of Dayton-Xenia Road, said pipe being 30.68 feet left of Dayton-Xenia Road proposed centerline of construction station 86+21.29;

Thence southerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, South 15 degrees 56 minutes 42 seconds West, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 0.68 feet left of station 86+21.24;

EXHIBIT A

LPA RX 851 WD

Page 2 of 3

Rev. 06/09

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 03 minutes 18 seconds East, 279.35 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 0.27 feet left of station 89+00.59;

Thence easterly continuing on the existing centerline of right of way of Dayton-Xenia Road, South 73 degrees 39 minutes 11 seconds East, 34.08 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 0.02 feet right of station 89+34.67;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 16 degrees 20 minutes 49 seconds East, 55.94 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point also described as the southeast corner of said Pt. Lot 388, said point being 55.91 feet left of station 89+35.15 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence westerly on the existing north right of way line of Dayton-Xenia Road, also being the south lot line of said Pt. Lot 388, South 76 degrees 07 minutes 10 seconds West, 51.66 feet, to a point on the west lot line of said Pt. Lot 388, said point also described as the southwest corner of said Pt. Lot 388, said point being 30.28 feet left of station 88+90.29;

Thence northerly on the west lot line of said Pt. Lot 388, also being the east lot line of Lot 292 of said Knollwood Estates, Section 5 plat, North 02 degrees 23 minutes 09 seconds East, 18.26 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 48.04 feet left of station 88+86.03;

Thence easterly on the proposed north right of way line of Dayton-Xenia Road, South 82 degrees 06 minutes 32 seconds East, 14.10 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 50.00 feet left of station 89+00.00;

Thence easterly continuing on the proposed north right of way line of Dayton-Xenia Road, North 88 degrees 03 minutes 56 seconds East, 35.99 feet, to an iron pin to be set on the east lot line of said Pt. Lot 388, said pin being 61.00 feet left of station 89+34.27;

Thence southerly on the east lot line of said Pt. Lot 388, also being the west line of The Replat of Lot 386 Knollwood Estates, Section 5 plat as recorded in Plat Cabinet 30, Page 390A of the plat records of Greene County, Ohio, South 06 degrees 06 minutes 38 seconds West, 5.16 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0123 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0123 acres, more or less, subject to legal highways and other easements of record.

EXHIBIT A

LPA RX 851 WD

Page 3 of 3

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The above described area is contained within Greene County Auditor's permanent parcel number B42000200120005300.

Prior Instrument Reference as of the date this survey was prepared: Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453




DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described

☐ Legally Sufficient With Corrections Needed

☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT B

Page 1 of 3

LPA RX 887 T

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 58-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Pt. Lot 388 of Knollwood Estates, Section 5 plat as recorded in Plat Cabinet 31, Page 320B of the plat records of Greene County, Ohio and conveyed to Charles I. Beaver as recorded in Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the west lot line of said Pt. Lot 388, said pin also being on the proposed north right of way line of Dayton-Xenia Road, said pin being 48.04 feet left of Dayton-Xenia Road proposed centerline of construction station 88+86.03 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Pt. Lot 388, also being the east lot line of Lot 292 of said Knollwood Estates, Section 5 plat, North 02 degrees 23 minutes 09 seconds East, 9.95 feet, to a point on the proposed temporary easement line, said point being 50.72 feet left of station 88+83.71;

Thence easterly on the proposed temporary easement line, South 82 degrees 06 minutes 32 seconds East, 16.44 feet, to a point on the proposed temporary easement line, said point being 60.00 feet left of station 89+00.00;

Thence easterly continuing on the proposed temporary easement line, South 79 degrees 11 minutes 33 seconds East, 34.06 feet, to a point on the east lot line of said Pt. Lot 388, said point being 63.00 feet left of station 89+33.93;

EXHIBIT B

Page 2 of 3

LPA RX 887 T

Rev. 07/09

Thence southerly on the east lot line of said Pt. Lot 388, also being the west line of The Replat of Lot 386 Knollwood Estates, Section 5 plat as recorded in Plat Cabinet 30, Page 390A of the plat records of Greene County, Ohio, South 06 degrees 06 minutes 38 seconds West, 2.03 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 61.00 feet left of station 89+34.27;

Thence westerly on the proposed north right of way line of Dayton-Xenia Road, South 88 degrees 03 minutes 56 seconds West, 35.99 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 50.00 feet left of station 89+00.00;

Thence westerly continuing on the proposed north right of way line of Dayton-Xenia Road, North 82 degrees 06 minutes 32 seconds West, 14.10 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0082 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0082 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200120005300.

Prior Instrument Reference as of the date this survey was prepared: Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

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EXHIBIT B

Page 3 of 3

LPA RX 887 T

Rev. 07/09

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: AM Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

GREENE COUNTY, OHIO
CITY OF BEAVERCREEK
SEC. 3, T-2, R-7, M.Rs.

RESIDENTIAL
WILLIAM M. BRETZFELDER &
JODI BRETZFELDER
1541 FORESDALE AVENUE
BEAVERCREEK, OHIO 45432
LOT 242
KNOLLWOOD ESTATES, SEC. 5
P.C. 31, PG. 320B
B42000200120000200

RESIDENTIAL
ERIC L. GLOWIENKA
3730 DAYTON-XENIA ROAD
BEAVERCREEK, OHIO 45432
LOT 241
KNOLLWOOD ESTATES, SEC. 5
P.C. 31, PG. 320B
B42000200120000100

RESIDENTIAL
MICHAEL CLEE & THERA L. DAVIS
1538 FORESDALE AVENUE
BEAVERCREEK, OHIO 45432
LOT 291
KNOLLWOOD ESTATES, SEC. 5
P.C. 31, PG. 320B
B42000200120005100

RESIDENTIAL
MICHAEL J. LAIRSON &
CLARISSA E. LAIRSON
1532 FORESDALE AVENUE
BEAVERCREEK, OHIO 45432
LOT 292
KNOLLWOOD ESTATES, SEC. 5
P.C. 31, PG. 320B
B42000200120005200

RESIDENTIAL
CHARLES T. BEAVER
DAYTON-XENIA ROAD
BEAVERCREEK, OHIO 45432
PT. LOT 388
KNOLLWOOD ESTATES, SEC. 5
P.C. 31, PG. 320B
B42000200120005300

RESIDENTIAL
BROCK R. PROSSER
1539 BEAVERBROOK DRIVE
BEAVERCREEK, OHIO 45432
PT. LOT 386-A OF THE REPLAT OF LOT 386
KNOLLWOOD ESTATES, SEC. 5
P.C. 30, PG. 390A
B42000200120017500

AGRICULTURAL
DURNBAUGH FAMILY FARMS, LLC
DAYTON-XENIA ROAD
BEAVERCREEK, OHIO 45432
B42000200120016600

DAYTON-XENIA ROAD

FORESDALE AVENUE

STA. 502+00.00 FORESDALE AVE. =
STA. 86+01.40 DAYTON-XENIA RD.

Match Line Sta. 85+00.00 SEE SHEET 18

Match Line Sta. 80+00.00 SEE SHEET 22

PI Sta. 80+00.00

REV. BY DATE DESCRIPTION
DATE COMPLETED

20	23	GRE-CR142-1.21 RIGHT OF WAY TOPO SHEET STA. 85+00.00 TO STA. 90+00.00	R/W DESIGNER TSS	PID NO. 98146	 HORIZONTAL SCALE IN FEET

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**



Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Charles Beaver Property
Agenda Reference No.: V. E.	<u>Ordinance No. 19-25</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Charles Beaver have been unsuccessful. Mr. Beaver passed away many years ago and the City's right-of-way acquisition consultant has been unable to locate an individual that would have the legal authority to sell the necessary property rights to the City. The passage of this Ordinance will allow for this project to proceed on schedule if no heirs of Mr. Beaver can be located.

STAFF RECOMMENDATION:

In order for the City to meet ODOT's deadline for the completion of the right-of-way acquisition work, it is recommended that City Council approve the attached Ordinance as an emergency.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 19-25

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY OF
NOVEMBER, 2019.

**TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED
BY CHARLES I. BEAVER, FOR THE DAYTON-XENIA ROAD
WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO, AND
DECLARING AN EMERGENCY.**

WHEREAS, this Council, by Resolution Number 19-66, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Dayton-Xenia Road Widening Project and for the preservation of the public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY
ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', and Exhibit 'B' attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Dayton-Xenia Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Charles I. Beaver, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$1,012, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', and Exhibit 'B', which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City; and further for the reason that the immediate construction of the improvements to Dayton-Xenia Road are necessary to improve the traffic safety and to reduce traffic congestion of certain streets, alleys, roadways, and right-of-way; therefore, this Ordinance shall be in full force and effective from and immediately after its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Charles I. Beaver, with interest by others, for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio, and declares an emergency.

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 58-WD
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

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EXHIBIT A

LPA RX 851 WD

Page 2 of 3

Rev. 06/09

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Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 16 degrees 20 minutes 49 seconds East, 55.94 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point also described as the southeast corner of said Pt. Lot 388, said point being 55.91 feet left of station 89+35.15 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

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EXHIBIT A

Page 3 of 3

LPA RX 851 WD

Rev. 06/09

The above described area is contained within Greene County Auditor's permanent parcel number B42000200120005300.

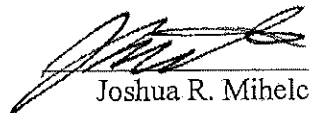
Prior Instrument Reference as of the date this survey was prepared: Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio.

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This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described

☐ Legally Sufficient With Corrections Needed

☐ Legally Insufficient, New Survey Required

By: CMF Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT B

LPA RX 887 T

Page 1 of 3

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 58-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

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Commencing at an iron pin to be set on the west lot line of said Pt. Lot 388, said pin also being on the proposed north right of way line of Dayton-Xenia Road, said pin being 48.04 feet left of Dayton-Xenia Road proposed centerline of construction station 88+86.03 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Pt. Lot 388, also being the east lot line of Lot 292 of said Knollwood Estates, Section 5 plat, North 02 degrees 23 minutes 09 seconds East, 9.95 feet, to a point on the proposed temporary easement line, said point being 50.72 feet left of station 88+83.71;

Thence easterly on the proposed temporary easement line, South 82 degrees 06 minutes 32 seconds East, 16.44 feet, to a point on the proposed temporary easement line, said point being 60.00 feet left of station 89+00.00;

Thence easterly continuing on the proposed temporary easement line, South 79 degrees 11 minutes 33 seconds East, 34.06 feet, to a point on the east lot line of said Pt. Lot 388, said point being 63.00 feet left of station 89+33.93;

EXHIBIT B

LPA RX 887 T

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Rev. 07/09

Thence southerly on the east lot line of said Pt. Lot 388, also being the west line of The Replat of Lot 386 Knollwood Estates, Section 5 plat as recorded in Plat Cabinet 30, Page 390A of the plat records of Greene County, Ohio, South 06 degrees 06 minutes 38 seconds West, 2.03 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 61.00 feet left of station 89+34.27;

Thence westerly on the proposed north right of way line of Dayton-Xenia Road, South 88 degrees 03 minutes 56 seconds West, 35.99 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 50.00 feet left of station 89+00.00;

Thence westerly continuing on the proposed north right of way line of Dayton-Xenia Road, North 82 degrees 06 minutes 32 seconds West, 14.10 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0082 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0082 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200120005300.

Prior Instrument Reference as of the date this survey was prepared: Deed Volume 166, Page 94 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

EXHIBIT B

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Rev. 07/09

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date


Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE
NET TAKE = GROSS TAKE - PRO IN TAKE

GRANTEE:
ALL RIGHT OF WAY ACQUIRED IN THE NAME OF
THE CITY OF BEAVERCREEK UNLESS OTHERWISE SHOWN.

ALL AREAS IN ACRES

PARCEL NO.	OWNER	SHEET NO.	OWNERS RECORD		AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC-TURE	NET RESIDUE		TYPE FUND	REMARKS	AS ACQUIRED	
			BOOK	PAGE								LEFT	RIGHT			BOOK	PAGE
49-WD 49-T	ERIN DEWENTER	18-19 18-19	2018007631		B42000200120016700	2.1300	0.0688	0.0756 0.0321	0.0688 0.0000	0.0068 0.0321		2.0544		CITY	FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) TREES		
50-WD 50-T	CITY OF BEAVERCREEK, OHIO	18-19 18-19	40	224	B42000200120016800	0.529 (D)	0.0747	0.1039 0.0552	0.0747 0.0000	0.0292 0.0552			0.4251		FOR GRADING AND DRIVEWAY IMPROVEMENTS		
51-WD	DURNBAUGH FAMILY FARMS, LLC	18-23	3554	85	B42000200120016600	4.4900	0.6610	0.9053	0.6610	0.2443			3.5847		#, 895' FENCE, ROCK, (2) TREES, (2) SHRUBS		
51-UT		18-19						0.0061	0.0000	0.0061					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
51-UT		22-23						0.0579	0.0000	0.0579					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
	TOTAL							0.0640	0.0000	0.0640							
51-T1 51-T2 51-T3		18-21 20-21 22-23						0.0258 0.0145 0.0090	0.0000 0.0000 0.0000	0.0258 0.0145 0.0090					FOR GRADING IMPROVEMENTS, 18' FENCE FOR GRADING AND DRIVEWAY IMPROVEMENTS, 21' FENCE FOR GRADING IMPROVEMENTS, 21' FENCE		
	TOTAL							0.0493	0.0000	0.0493							
52-WD 52-T	ERIC L. GLOWIENKA	18-21 18-21	3707	251	B42000200120000100	0.3295 (C)	0.0000	0.0308 0.0501	0.0000 0.0000	0.0308 0.0501		0.2987			FOR GRADING AND DRIVEWAY IMPROVEMENTS		
53-T	WILLIAM M. BRETZFELDER & JODI BRETZFELDER	20-21	3600	247	B42000200120000200	0.3083 (C)	0.0000	0.0041	0.0000	0.0041					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
54-55	NOT USED																
56-T	MICHAEL CLEE & THERA L. DAVIS	20-21	2018006711		B42000200120005100	0.4498 (C)	0.0000	0.0156	0.0000	0.0156					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
57-WD 57-UT 57-T	MICHAEL J. LAIRSON & CLARISSA E. LAIRSON	20-21 20-21 20-21	2420	108	B42000200120005200	0.6380 (C)	0.0000	0.0262 0.0369 0.0806	0.0000 0.0000 0.0000	0.0262 0.0369 0.0806		0.5118			(14) TREES, 5' FENCE FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, (2) TREES, SHRUB, 6' FENCE FOR GRADING AND DRIVEWAY IMPROVEMENTS, 104' FENCE		
58-WD 58-T	CHARLES J. BEAVER	20-21 20-21	166	94	B42000200120005300	1.3645 (C)	0.0000	0.0123 0.0082	0.0000 0.0000	0.0123 0.0082		1.3522			FOR GRADING IMPROVEMENTS		
59-WD 59-T	BROCK R. PROSSER	20-23 20-23	2017009109		B42000200120017500	0.514 (P)	0.0000	0.0140 0.0066	0.0000 0.0000	0.0140 0.0066		0.5000			FOR GRADING IMPROVEMENTS		
60	CITY OF BEAVERCREEK	22-23	3723	516	B42000200120025900	0.0891	0.0000								NO TAKE		
61	DANNY E. MILLER & KAREN K. MILLER	22-23	1448	983	B42000200120005900	0.5961 (C)	0.0000								NO TAKE		
62	CITY OF BEAVERCREEK	22-23 22-23	3742 3729	321 118	B42000200120026200 B42000200120026100	0.0272 0.0153	0.0000 0.0000								NO TAKE NO TAKE		
63	JOHN F. HELPLING	22-23	3059	539	B42000200120006000	0.2594 (C)	0.0000								NO TAKE		
64	CITY OF BEAVERCREEK	22-23	3748	125	B42000200140007100	0.1776	0.0000								NO TAKE		
65-T	BCAH, LLC	22-23	2017017854		B42000200140004500	1.3104	0.0000	0.0023	0.0000	0.0023					FOR GRADING IMPROVEMENTS, 4' FENCE		
66	CITY OF BEAVERCREEK	22-23	3727	39	B42000200120026000	0.0180	0.0000								NO TAKE		
67	RAYMOND HUFF	22-23	517	855	B42000200120006200	0.4900 (C)	0.0000								NO TAKE		
														CITY			

NOTE: ALL TEMPORARY PARCELS TO BE OF 12 MONTH DURATION.

TYPES OF TITLE LEGEND:
WD = WARRANTY DEED
U = UTILITY EASEMENT
T = TEMPORARY EASEMENT

NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTES OTHERWISE.

* DENOTES RIGHT OF WAY ENCROACHMENT
A - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR
- REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION

REV. BY	DATE	DESCRIPTION
FIELD REVIEW BY	DATE:	
OWNERSHIP VERIFIED BY	DATE:	
DATE COMPLETED		

GRE-CR142-1.21

9 / 23

SUMMARY OF ADDITIONAL RIGHT OF WAY OWNERSHIP NUMBERS 49-67

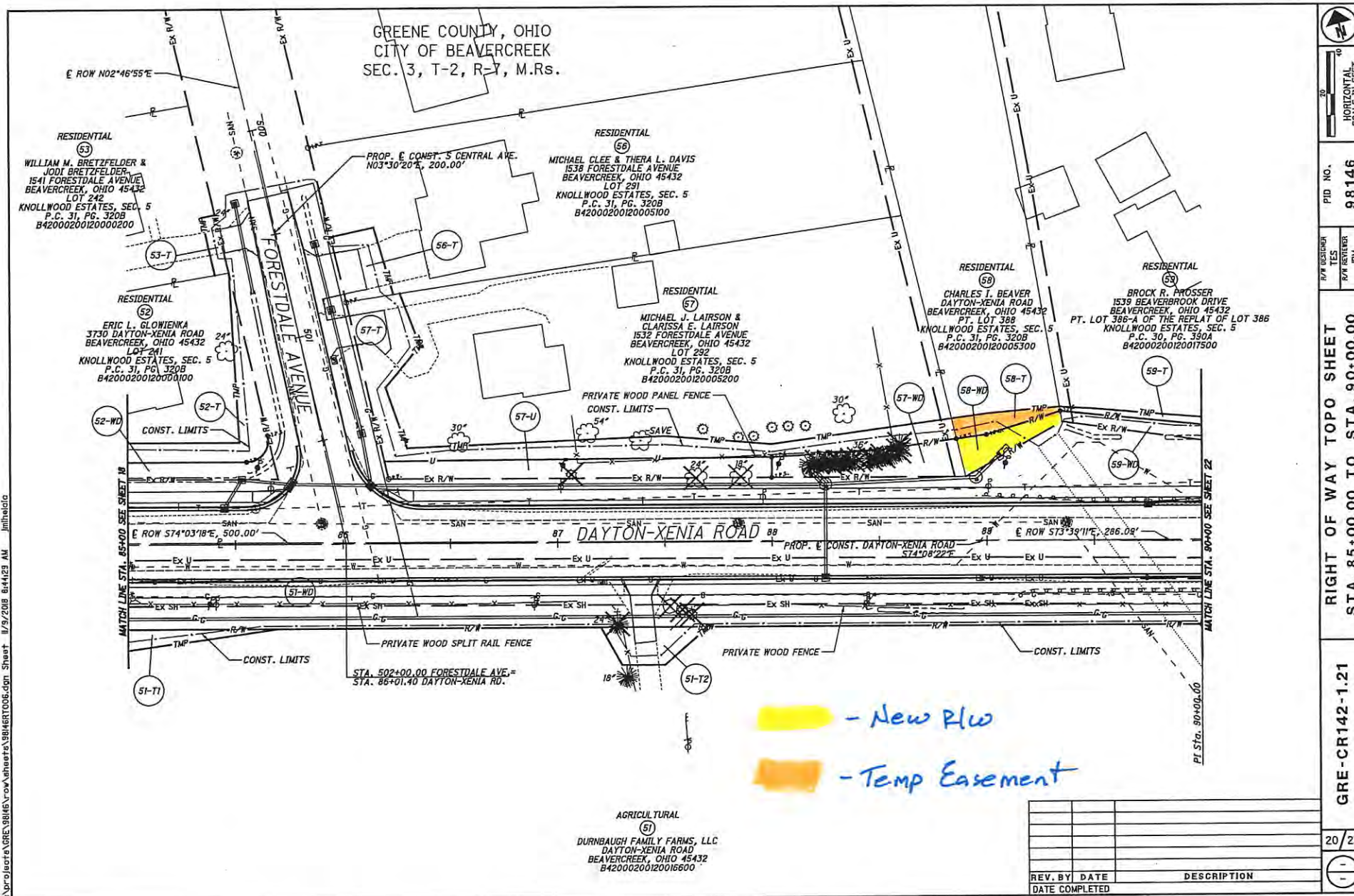
PID NO. 98146

STATE JOB NO. 480017

FEDERAL PROJECT NO. E150(0373)

T:\projects\GRE-151461\dwg\sheet\GRE-151461-01.dwg Sheet 11/9/2018 8:44:22 AM Initials

T:\projects\GRE\98145\row\sheets\98145RT006.dgn Sheet 11/9/2008 8:44:23 AM jmh145



HORIZONTAL SCALE IN FEET 	
R/W DESIGN TSS R/W EXIST. URN	PID NO. 98146
RIGHT OF WAY TOPO SHEET STA. 85+00.00 TO STA. 90+00.00	
GRE-CR142-1.21	
20/23	
REV. BY DATE DESCRIPTION DATE COMPLETED	

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

per

Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Wicker Property
Agenda Reference No.: V. F.	<u>Resolution No. 19-67</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from James Wicker and Phillip Wicker have been unsuccessful. The City's right-of-way acquisition consultant and the Engineering Division has had an ongoing dialog with the property owner where it was thought that we had an agreement with the property owner. However, they have been unresponsive over the last several months. The passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-67**

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY
OF NOVEMBER, 2019.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT TO
ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND OTHER
PROPERTY INTERESTS OWNED BY JAMES WICKER, JR., AND
PHILLIP WICKER WITH INTEREST BY OTHERS, FOR THE DAYTON-
XENIA ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK,
OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain permanent and temporary right-of-way and easements in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit 'A', and Exhibit 'B' attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include James Wicker, Jr., Phillip Wicker, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:
Publication of this Resolution is not required.

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 26-WD
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 669 of Knollwood Estates, Section 8 plat as recorded in Plat Cabinet 32, Page 49B of the plat records of Greene County, Ohio and conveyed to James Buck Wicker Jr. and Phillip Lee Wicker as recorded in Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the existing south standard highway easement line of Dayton-Xenia Road, said point also being on the east lot line of Lot 208 of Knollwood Estates, Section 4 plat as recorded in Plat Cabinet 31, Page 307A-B of the plat records of Greene County, Ohio, said point also being on the west lot line of Lot 207 of said Knollwood Estates, Section 4 plat, said point being 27.94 feet right of Dayton-Xenia Road proposed centerline of construction station 66+09.22, said point witnessed by an iron axle found North 02 degrees 54 minutes 29 seconds East, 0.17 feet, said iron axle found being 27.77 feet right of station 66+09.18;

Thence northerly on the east lot line of said Lot 208, North 05 degrees 17 minutes 02 seconds East, 30.50 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.05 feet left of station 66+03.62;

EXHIBIT A

Page 2 of 3

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Rev. 06/09

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 16 minutes 54 seconds East, 6.08 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.06 feet left of station 66+09.70;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 43 minutes 06 seconds East, 30.00 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point also described as the southwest corner of said Lot 669, said point being 32.06 feet left of station 66+09.63 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Lot 669, also being the east lot line of Lot 668 of said Knollwood Estates, Section 8 plat, North 06 degrees 36 minutes 45 seconds East, 12.09 feet, to an iron pin to be set on proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of station 66+07.68;

Thence easterly on proposed north right of way line of Dayton-Xenia Road, being a right of way line 44.00 feet northerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 67.32 feet, to an iron pin to be set on proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of 66+75.00;

Thence easterly continuing on proposed north right of way line of Dayton-Xenia Road, South 87 degrees 37 minutes 58 seconds East, 21.43 feet, to an iron pin to be set on the existing north right of way line of Dayton-Xenia Road, said pin being 49.00 feet left of station 66+95.84;

Thence southwesterly on the existing north right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 63 degrees 43 minutes 50 seconds and a radius of 30.00 feet, an arc distance of 33.37 feet, the chord of which bears South 73 degrees 51 minutes 11 seconds West for a distance of 31.68 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point being 32.21 feet left of station 66+68.98;

Thence westerly continuing on the existing north right of way line of Dayton-Xenia Road, being a right of way line 30.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, also being the south lot line of said Lot 669, North 74 degrees 16 minutes 54 seconds West, 59.35 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0219 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0219 acres, more or less, subject to legal highways and other easements of record.

EXHIBIT A

Page 3 of 3

LPA RX 851 WD

Rev. 06/09

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110018000.

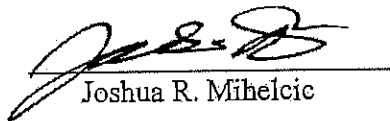
Prior Instrument Reference as of the date this survey was prepared: Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

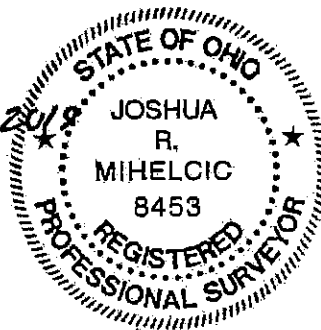
Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT B

Page 1 of 3

Rev. 07/09

LPA RX 887 T

Ver. Date 08/05/19

PID 98146

**PARCEL 26-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.R.s. and being part of Lot 669 of Knollwood Estates, Section 8 plat as recorded in Plat Cabinet 32, Page 49B of the plat records of Greene County, Ohio and conveyed to James Buck Wicker Jr. and Phillip Lee Wicker as recorded in Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of Dayton-Xenia Road proposed centerline of construction station 66+07.68 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Lot 669, also being the east lot line of Lot 668 of said Knollwood Estates, Section 8 plat, North 06 degrees 36 minutes 45 seconds East, 18.24 feet, to a point on proposed temporary easement line, said point being 62.00 feet left of station 66+04.75;

Thence southeasterly on the proposed temporary easement line, South 41 degrees 36 minutes 39 seconds East, 20.46 feet, to a point on the proposed temporary easement line, said point being 51.00 feet left of station 66+22.00;

Thence easterly continuing on the proposed temporary easement line, South 74 degrees 08 minutes 22 seconds East, 63.00 feet, to a point on the proposed temporary easement line, said point being 51.00 feet left of station 66+85.00;

EXHIBIT B

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Thence easterly continuing on the proposed temporary easement line, North 70 degrees 05 minutes 07 seconds East, 17.11 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point being 61.00 feet left of station 66+98.88;

Thence southwesterly on the existing north right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 23 degrees 48 minutes 50 seconds and a radius of 30.00 feet, an arc distance of 12.47 feet, the chord of which bears South 30 degrees 04 minutes 51 seconds West for a distance of 12.38 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 49.00 feet left of station 66+95.84;

Thence westerly on the proposed north right of way line of Dayton-Xenia Road, North 87 degrees 37 minutes 58 seconds West, 21.43 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of station 66+75.00;

Thence westerly continuing on the proposed north right of way line of Dayton-Xenia Road, being a right of way line 44.00 feet northerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 67.32 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0164 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0164 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110018000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

EXHIBIT B

Page 3 of 3

LPA RX 887 T

Rev. 07/09

This description was prepared on August 5, 2019 by Joshua R. Miheleic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Miheleic

08-05-2019
Date


Registered Surveyor of Ohio; No. S-008453



DESCRIPTION CHECK

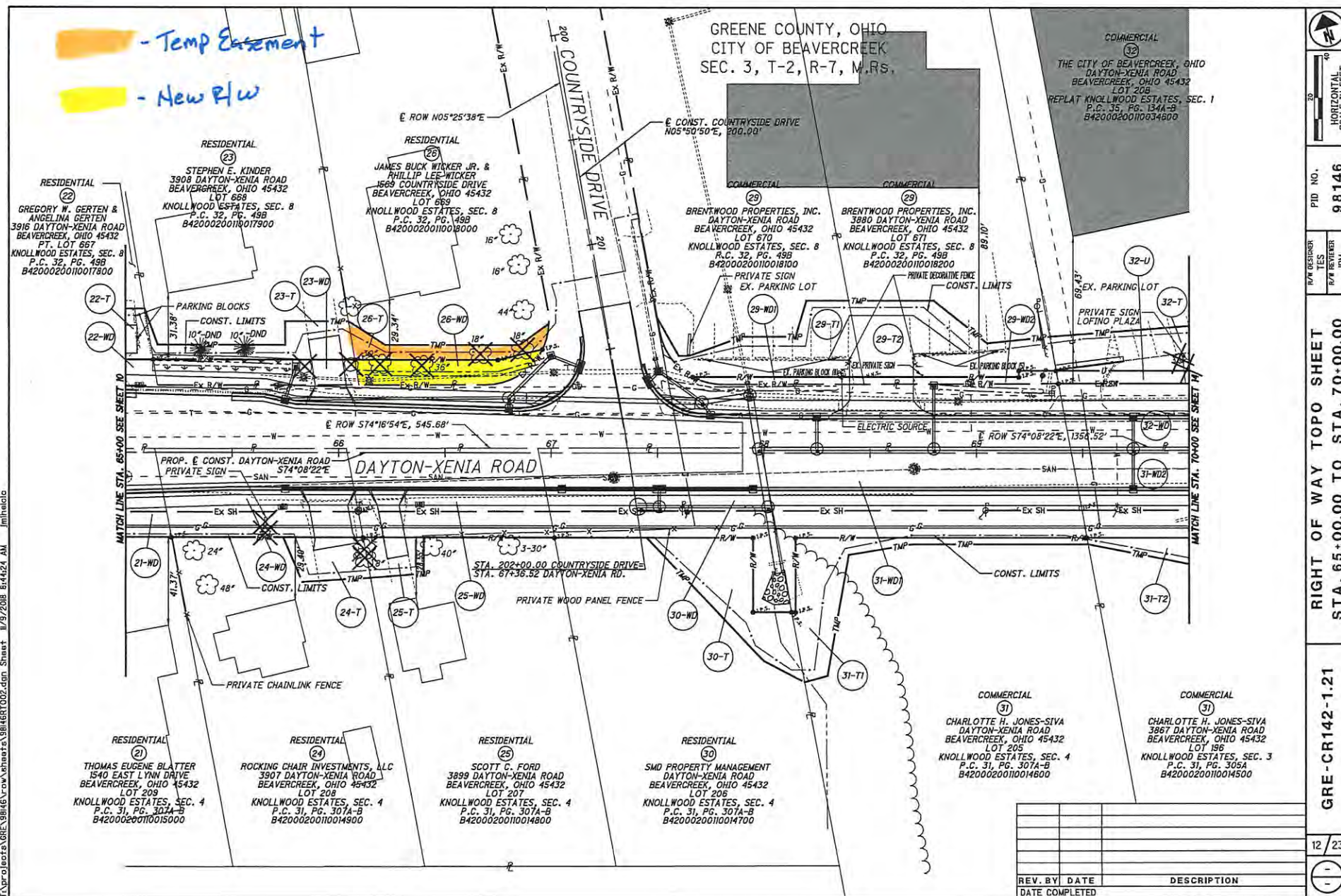
Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

TOTAL NUMBER OF :					NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE NET TAKE = GROSS TAKE - PRO IN TAKE										GRANTEE:					FEDERAL PROJECT NO.
34 OWNERSHIPS 0 TOTAL TAKES 105 PARCELS 8 OWNERSHIPS W/ STRUCTURES INVOLVED															ALL RIGHT OF WAY ACQUIRED IN THE NAME OF THE CITY OF BEAVERCREEK UNLESS OTHERWISE SHOWN.					
ALL AREAS IN ACRES																				
PARCEL NO.	OWNER	SHEET NO.	OWNERS	RECORD	AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC-TURE	NET RESIDUE		TYPE FUND	REMARKS	AS ACQUIRED				
			BOOK	PAGE								LEFT	RIGHT			BOOK	PAGE			
12	CITY OF BEAVERCREEK	10-11	2878	457	B42000200110035800	0.0050	0.0050							CITY	NO TAKE			E15010373		
		10-11	2878	468	B42000200110035900	0.0070	0.0070								NO TAKE					
		10-11	2760	780	B42000200110035200	0.0070	0.0070								NO TAKE					
		10-11	2760	784	B42000200110035300	0.0090	0.0090								NO TAKE					
13	CARRIE CLARK	10-11	3747	478	B42000200110015400	0.5230 (c)	0.1758								NO TAKE			98146		
14	DAYTON-XENIA LLC	10-11	2425	501	B42000200110032900	0.9240	0.0000								NO TAKE					
15	ARTHUR F. CHENOWETH	10-11	3487	3	B42000200110015300	0.3970 (c)	0.0608								NO TAKE					
16	CHARLOTTE H. CORNETT	10-11	3067	697	B42000200110015200	0.3970 (c)	0.0608								NO TAKE					
		10-11	3067	694	B42000200110015100	0.5190 (c)	0.1759								NO TAKE			480017		
17	CITY OF BEAVERCREEK	10-11	2723	914	B42000200110034700	0.1200	0.1200								NO TAKE					
		10-11	2782	369	B42000200110035400	0.0030	0.0030								NO TAKE					
18-T	BRAD T. SAUNDERS & VICKI L. SAUNDERS	10-11	2774	532	B42000200110032800	0.4800	0.0000	0.0032	0.0000	0.0032					FOR GRADING IMPROVEMENTS					
19-20	NOT USED																	SUMMARY OF ADDITIONAL RIGHT OF WAY OWNERSHIP NUMBERS 12-30		
21-WD	THOMAS EUGENE BLATTER	10-13	3059	901	B42000200110015000	0.528 (P)	0.1770	0.1249	0.1007	0.0242			0.3268							
22-WD	GREGORY W. GERTEN & ANGELINA GERTEN	10-13	3433	425	B42000200110017800	0.6470 (c)	0.0000	0.0237	0.0000	0.0237			0.6233		FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) PARKING BLOCKS					
22-T		10-13						0.0361	0.0000	0.0361										
23-WD	STEPHEN E. KINDER	12-13	1004	347	B42000200110017900	0.4192 (c)	0.0000	0.0262	0.0000	0.0262			0.3930		(2) ROCKS		GRE-CR142-1.21			
23-T		12-13						0.0236	0.0000	0.0236					FOR GRADING AND DRIVEWAY IMPROVEMENTS					
24-WD	ROCKING CHAIR INVESTMENTS, LLC	12-13	2862	184	B42000200110014900	0.410 (P)	0.0620	0.0867	0.0620	0.0247	S		0.3233		SIGN, (1) SHRUB, 2' FENCE					
24-T		12-13						0.0161	0.0000	0.0161					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) TREES					
25-WD	SCOTT C. FORD	12-13	3489	258	B42000200110014800	0.410 (P)	0.0620	0.0871	0.0620	0.0251			0.3229		62' FENCE		6 / 23			
25-T		12-13						0.0111	0.0000	0.0111					FOR GRADING AND DRIVEWAY IMPROVEMENTS					
26-WD	JAMES BUCK WICKER JR. & PHILLIP LEE WICKER	12-13	3736	933	B42000200110018000	0.4057 (c)	0.0000	0.0219	0.0000	0.0219			0.3838		(2) TREES					
26-T		12-13						0.0164	0.0000	0.0164					FOR GRADING IMPROVEMENTS, (2) TREES					
27-28	NOT USED																9			
29-WD1	BRENTWOOD PROPERTIES, INC.	12-13	1677	556	B42000200110018100	0.4071 (c)	0.0000	0.0060	0.0000	0.0060										
29-WD2		12-13	1677	556	B42000200110018200	0.4082 (c)	0.0000	0.0080	0.0000	0.0080										
	TOTAL					0.8153	0.0000	0.0140	0.0000	0.0140			0.8013							
29-T1		12-13						0.0439	0.0000	0.0439					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (8) PARKING BLOCKS & SPOTS, DECORATIVE FENCE & ELECTRIC SOURCE		1			
29-T2		12-13						0.0567	0.0000	0.0567					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (5) PARKING BLOCKS & SPOTS, DECORATIVE FENCE & SIGN WITH ELECTRIC					
	TOTAL							0.1006	0.0000	0.1006										
30-WD	SMD PROPERTY MANAGEMENT	12-13	2862	174	B42000200110014700	0.481 (P)	0.0723	0.1142	0.0723	0.0419			0.3658		78' FENCE					
30-T		12-13						0.0426	0.0000	0.0426					FOR GRADING IMPROVEMENTS		1			
																	1			
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- New P/w



PBC

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Wicker Property
Agenda Reference No.: V. G.	<u>Ordinance No. 19-26</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from James Wicker and Phillip Wicker have been unsuccessful. The City's right-of-way acquisition consultant and the Engineering Division has had an ongoing dialog with the property owner where it was thought that we had an agreement with the property owner. However, they have been unresponsive over the last several months. The passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to work with the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

In order for the City to meet ODOT's deadline for the completion of the right-of-way acquisition work, it is recommended that City Council approve the attached Ordinance as an emergency.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 19-26

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY OF
NOVEMBER, 2019.

**TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED
BY JAMES WICKER, JR., AND PHILLIP WICKER FOR THE DAYTON-
XENIA ROAD WIDENING PROJECT, IN THE CITY OF BEAVERCREEK,
OHIO, AND DECLARING AN EMERGENCY.**

WHEREAS, this Council, by Resolution Number 19-67, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Dayton-Xenia Road Widening Project and for the preservation of the public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY
ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', and Exhibit 'B' attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Dayton-Xenia Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: James Wicker, Jr., Phillip Wicker, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$9,599, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', and Exhibit 'B', which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City; and further for the reason that the immediate construction of the improvements to Dayton-Xenia Road are necessary to improve the traffic safety and to reduce traffic congestion of certain streets, alleys, roadways, and right-of-way; therefore, this Ordinance shall be in full force and effective from and immediately after its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____ 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by James Wicker, Jr., and Phillip Wicker, with interest by others, for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio, and declares an emergency.

EXHIBIT A

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 26-WD
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 669 of Knollwood Estates, Section 8 plat as recorded in Plat Cabinet 32, Page 49B of the plat records of Greene County, Ohio and conveyed to James Buck Wicker Jr. and Phillip Lee Wicker as recorded in Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the existing south standard highway easement line of Dayton-Xenia Road, said point also being on the east lot line of Lot 208 of Knollwood Estates, Section 4 plat as recorded in Plat Cabinet 31, Page 307A-B of the plat records of Greene County, Ohio, said point also being on the west lot line of Lot 207 of said Knollwood Estates, Section 4 plat, said point being 27.94 feet right of Dayton-Xenia Road proposed centerline of construction station 66+09.22, said point witnessed by an iron axle found North 02 degrees 54 minutes 29 seconds East, 0.17 feet, said iron axle found being 27.77 feet right of station 66+09.18;

Thence northerly on the east lot line of said Lot 208, North 05 degrees 17 minutes 02 seconds East, 30.50 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.05 feet left of station 66+03.62;

EXHIBIT A

Page 2 of 3

LPA RX 851 WD

Rev. 06/09

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 16 minutes 54 seconds East, 6.08 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.06 feet left of station 66+09.70;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 43 minutes 06 seconds East, 30.00 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point also described as the southwest corner of said Lot 669, said point being 32.06 feet left of station 66+09.63 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Lot 669, also being the east lot line of Lot 668 of said Knollwood Estates, Section 8 plat, North 06 degrees 36 minutes 45 seconds East, 12.09 feet, to an iron pin to be set on proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of station 66+07.68;

Thence easterly on proposed north right of way line of Dayton-Xenia Road, being a right of way line 44.00 feet northerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 67.32 feet, to an iron pin to be set on proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of 66+75.00;

Thence easterly continuing on proposed north right of way line of Dayton-Xenia Road, South 87 degrees 37 minutes 58 seconds East, 21.43 feet, to an iron pin to be set on the existing north right of way line of Dayton-Xenia Road, said pin being 49.00 feet left of station 66+95.84;

Thence southwesterly on the existing north right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 63 degrees 43 minutes 50 seconds and a radius of 30.00 feet, an arc distance of 33.37 feet, the chord of which bears South 73 degrees 51 minutes 11 seconds West for a distance of 31.68 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point being 32.21 feet left of station 66+68.98;

Thence westerly continuing on the existing north right of way line of Dayton-Xenia Road, being a right of way line 30.00 feet northerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, also being the south lot line of said Lot 669, North 74 degrees 16 minutes 54 seconds West, 59.35 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0219 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0219 acres, more or less, subject to legal highways and other easements of record.

EXHIBIT A

Page 3 of 3

LPA RX 851 WD

Rev. 06/09

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110018000.

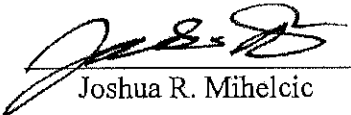
Prior Instrument Reference as of the date this survey was prepared: Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

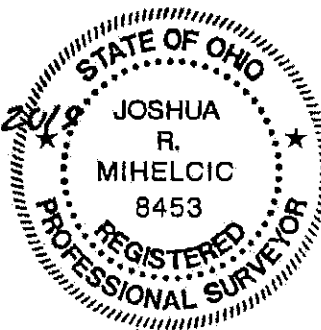
Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date




Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ..

EXHIBIT B

LPA RX 887 T

Page 1 of 3

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 26-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 669 of Knollwood Estates, Section 8 plat as recorded in Plat Cabinet 32, Page 49B of the plat records of Greene County, Ohio and conveyed to James Buck Wicker Jr. and Phillip Lee Wicker as recorded in Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the left side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of Dayton-Xenia Road proposed centerline of construction station 66+07.68 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northerly on the west lot line of said Lot 669, also being the east lot line of Lot 668 of said Knollwood Estates, Section 8 plat, North 06 degrees 36 minutes 45 seconds East, 18.24 feet, to a point on proposed temporary easement line, said point being 62.00 feet left of station 66+04.75;

Thence southeasterly on the proposed temporary easement line, South 41 degrees 36 minutes 39 seconds East, 20.46 feet, to a point on the proposed temporary easement line, said point being 51.00 feet left of station 66+22.00;

Thence easterly continuing on the proposed temporary easement line, South 74 degrees 08 minutes 22 seconds East, 63.00 feet, to a point on the proposed temporary easement line, said point being 51.00 feet left of station 66+85.00;

EXHIBIT B

Page 2 of 3

LPA RX 887 T

Rev. 07/09

Thence easterly continuing on the proposed temporary easement line, North 70 degrees 05 minutes 07 seconds East, 17.11 feet, to a point on the existing north right of way line of Dayton-Xenia Road, said point being 61.00 feet left of station 66+98.88;

Thence southwesterly on the existing north right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 23 degrees 48 minutes 50 seconds and a radius of 30.00 feet, an arc distance of 12.47 feet, the chord of which bears South 30 degrees 04 minutes 51 seconds West for a distance of 12.38 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 49.00 feet left of station 66+95.84;

Thence westerly on the proposed north right of way line of Dayton-Xenia Road, North 87 degrees 37 minutes 58 seconds West, 21.43 feet, to an iron pin to be set on the proposed north right of way line of Dayton-Xenia Road, said pin being 44.00 feet left of station 66+75.00;

Thence westerly continuing on the proposed north right of way line of Dayton-Xenia Road, being a right of way line 44.00 feet northerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 67.32 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0164 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0164 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110018000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3736, Page 933 of the Deed Records of Greene County, Ohio.

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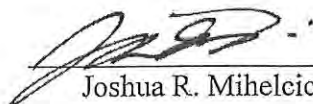
EXHIBIT B

LPA RX 887 T

Page 3 of 3

Rev. 07/09

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019

Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described

☐ Legally Sufficient With Corrections Needed

☐ Legally Insufficient, New Survey Required

By: C. G. H. Date: 8-6-19

PAR ID: DIST BK PG PAR

T:\projects\GREYBANK\caw\sheet\B4455001.dwg Sheet 5/10/2018 8:35:26 AM jml/bec

TOTAL NUMBER OF :				NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE NET TAKE = GROSS TAKE - PRO IN TAKE										GRANTEE:				FEDERAL PROJECT NO. PID NO. STATE JOB NO. R/W DESIGNER TES R/W REVIEWER JRM	
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14	DAYTON-XENIA LLC	10-11	2425	501	B42000200110032900	0.9240	0.0000								NO TAKE				
15	ARTHUR F. CHENOWETH	10-11	3487	3	B42000200110015300	0.3970 (c)	0.0608								NO TAKE				
16	CHARLOTTE H. CORNETT	10-11	3067	697	B42000200110015200	0.3970 (c)	0.0608								NO TAKE				
		10-11	3067	694	B42000200110015100	0.5190 (c)	0.1759								NO TAKE			480017	
17	CITY OF BEAVERCREEK	10-11	2723	914	B42000200110034700	0.1200	0.1200								NO TAKE				
		10-11	2762	369	B42000200110035400	0.0030	0.0030								NO TAKE				
18-T	BRAD T. SAUNDERS & VICKI L. SAUNDERS	10-11	2774	532	B42000200110032800	0.4800	0.0000	0.0032	0.0000	0.0032					FOR GRADING IMPROVEMENTS				
19-20	NOT USED																	SUMMARY OF ADDITIONAL RIGHT OF WAY OWNERSHIP NUMBERS 12-30	
21-WD	THOMAS EUGENE BLATTER	10-13	3059	901	B42000200110015000	0.528 (P)	0.1770	0.1249	0.1007	0.0242			0.3268						
22-WD	GREGORY W. GERTEN & ANGELINA GERTEN	10-13	3433	425	B42000200110017800	0.6470 (c)	0.0000	0.0237	0.0000	0.0237		0.6233							
22-T		10-13						0.0361	0.0000	0.0361					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) PARKING BLOCKS				
23-WD	STEPHEN E. KINDER	12-13	1004	347	B42000200110017900	0.4192 (c)	0.0000	0.0262	0.0000	0.0262		0.3930			(2) ROCKS			GRE-CR142-1.21	
23-T		12-13						0.0236	0.0000	0.0236					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
24-WD	ROCKING CHAIR INVESTMENTS, LLC	12-13	2862	184	B42000200110014900	0.410 (P)	0.0620	0.0867	0.0620	0.0247	S	0.3233			SIGN, (1) SHRUB, 2' FENCE				
24-T		12-13						0.0161	0.0000	0.0161					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) TREES				
25-WD	SCOTT C. FORD	12-13	3489	258	B42000200110014800	0.410 (P)	0.0620	0.0871	0.0620	0.0251		0.3229			62' FENCE			6 / 23	
25-T		12-13						0.0111	0.0000	0.0111					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
26-WD	JAMES BUCK WICKER JR. & PHILLIP LEE WICKER	12-13	3736	933	B42000200110018000	0.4057 (c)	0.0000	0.0219	0.0000	0.0219		0.3838			(2) TREES				
26-T		12-13						0.0164	0.0000	0.0164					FOR GRADING IMPROVEMENTS, (2) TREES				
27-28	NOT USED																	1	
29-WD1	BRENTWOOD PROPERTIES, INC.	12-13	1677	556	B42000200110018100	0.4071 (c)	0.0000	0.0060	0.0000	0.0060									
29-WD2		12-13	1677	556	B42000200110018200	0.4082 (c)	0.0000	0.0080	0.0000	0.0080									
	TOTAL					0.8153	0.0000	0.0140	0.0000	0.0140		0.8013							
29-T1		12-13						0.0439	0.0000	0.0439					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (8) PARKING BLOCKS & SPOTS, DECORATIVE FENCE & ELECTRIC SOURCE			REV. BY DATE DESCRIPTION	
29-T2		12-13						0.0567	0.0000	0.0567					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (5) PARKING BLOCKS & SPOTS, DECORATIVE FENCE & SIGN WITH ELECTRIC				
	TOTAL							0.1006	0.0000	0.1006									
30-WD	SMD PROPERTY MANAGEMENT	12-13	2862	174	B42000200110014700	0.481 (P)	0.0723	0.1142	0.0723	0.0419		0.3668			78' FENCE				
30-T		12-13						0.0426	0.0000	0.0426					FOR GRADING IMPROVEMENTS			DATE COMPLETED	
																		1	

NOTES: ALL TEMPORARY PARCELS TO BE OF 12 MONTH DURATION.

NOTES: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTES OTHERWISE.

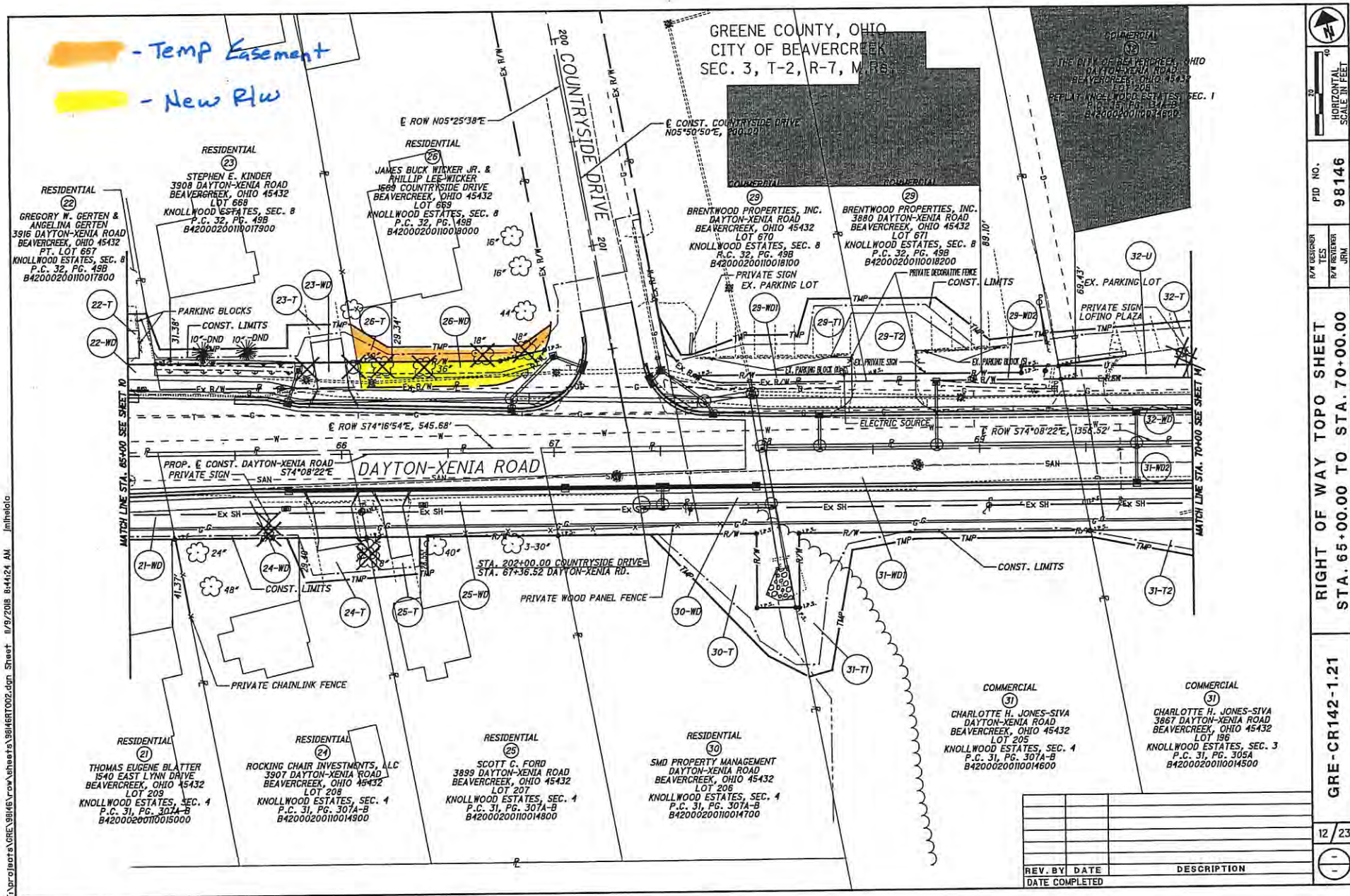
(c) = CALCULATED AREA
(P) = PLATTED AREA
(D) = DEED AREA

* DENOTES RIGHT OF WAY ENCROACHMENT
Δ - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR
φ - REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION

REV. BY	DATE	DESCRIPTION
FIELD REVIEW BY	DATE:	
OWNERSHIP VERIFIED BY	DATE:	
DATE COMPLETED		

- New Rlw

THE CITY OF BEAVERCREEK, OHIO
 104 TORVENIA ROAD
 BEAVERCREEK, OHIO 45019
 LOT 208
 REPLANTING WOOD ESTATES, SEC. 1
 P.O. 15160, 344-B
 81200020010024600



PEC

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Balaji Investments Property
Agenda Reference No.: V. H.	Resolution No. 19-68

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Balaji Investments have been unsuccessful. The City's right-of-way acquisition consultant has made multiple attempts to contact the property owner, but they have been unresponsive to date. The passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to attempt to contact the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-68**

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY
OF NOVEMBER, 2019.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT
TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND
OTHER PROPERTY INTERESTS OWNED BY BALAJI
INVESTMENTS, LLC WITH INTEREST BY OTHERS, FOR THE
DAYTON-XENIA ROAD WIDENING PROJECT, IN THE CITY OF
BEAVERCREEK, OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain permanent and temporary right-of-way and easements in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', and Exhibit 'F' attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Balaji Investments, LLC, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this _____ day of _____, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:
Publication of this Resolution is not required.

Approved as to form:

Initial

Stephen McHugh, City Attorney

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-T1
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the east lot line of said Lot 147, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 74+22.19 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 12.71 feet, to a point on the proposed temporary easement line, said point being 52.00 feet right of station 74+24.49;

Thence westerly on the proposed temporary easement line, North 75 degrees 17 minutes 49 seconds West, 49.50 feet, to a point on the proposed temporary easement line, said point being 53.00 feet right of station 73+75.00;

Thence westerly continuing on the proposed temporary easement line, South 70 degrees 14 minutes 18 seconds West, 20.60 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 65.00 feet right of station 73+58.25;

EXHIBIT A

Page 2 of 2

Rev. 07/09

LPA RX 887 T

Thence northerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, North 05 degrees 25 minutes 38 seconds East, 25.93 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 73+53.56;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 68.63 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0233 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0233 acres, more or less, subject to legal highways and other easements of record.


The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

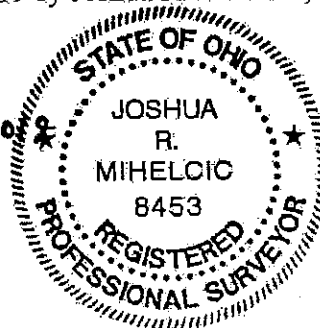
Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT B

Page 1 of 2

LPA RX 887 T

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-T2
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.R.s. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the west lot line of said Lot 148, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 74+22.19 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the east lot line of said Lot 148, said point being 39.50 feet right of station 75+16.24;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 5.59 feet, to a point on the proposed temporary easement line, said point being 45.00 feet right of station 75+17.25;

EXHIBIT B

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Thence westerly on the proposed temporary easement line, North 74 degrees 08 minutes 22 seconds West, 27.25 feet, to a point on the proposed temporary easement line, said point being 45.00 feet right of station 74+90.00;

Thence westerly continuing on the proposed temporary easement line, North 83 degrees 52 minutes 01 seconds West, 35.51 feet, to a point on the proposed temporary easement line, said point being 51.00 feet right of station 74+55.00;

Thence westerly continuing on the proposed temporary easement line, North 76 degrees 00 minutes 59 seconds West, 30.53 feet, to a point on the west lot line of said Lot 148, said point being 52.00 feet right of station 74+24.49;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.71 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0189 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0189 acres, more or less, subject to legal highways and other easements of record.

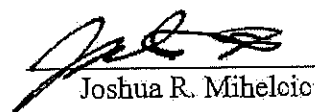
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK
Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

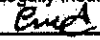
By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT C

Page 1 of 3

LPA RX 883 U

Rev. 09/12

Ver. Date 08/05/19

PID 98146

**PARCEL 37-U1
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence southerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, South 05 degrees 25 minutes 38 seconds West, 6.00 feet, to a Mag Nail to be set on the proposed south right of way line of Dayton-Xenia Road, said Mag Nail being 33.01 feet right of station 73+52.36 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

EXHIBIT C

Page 2 of 3

LPA RX 883 U

Rev. 09/12

Thence northeasterly on the proposed south right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 100 degrees 26 minutes 00 seconds and a radius of 5.00 feet, an arc distance of 8.76 feet, the chord of which bears North 55 degrees 38 minutes 38 seconds East for a distance of 7.68 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 73+57.28;

Thence easterly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 62.63 feet, to a Mag Nail to be set on the east lot line of said Lot 147, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 12.60 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 74+22.19;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 68.63 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 39.50 feet right of station 73+53.56;

Thence northerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, North 05 degrees 25 minutes 38 seconds East, 6.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0193 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0193 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

EXHIBIT C

Page 3 of 3

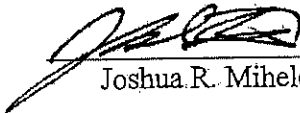
Rev. 09/12

LPA RX 883 U

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: And Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

I EXHIBIT D

Page 1 of 3

LPA RX 883 U

Rev. 09/12

Ver. Date 08/05/19

PID 98146

**PARCEL 37-U2
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

EXHIBIT D

Page 2 of 3

LPA RX 883 U

Rev. 09/12

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Lot 148, said point being 2.89 feet left of station 74+14.38;

Thence southerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 74+19.90 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the east lot line of said Lot 148, said point being 27.11 feet right of station 75+13.95, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 12.60 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 75+16.24;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 94.05 feet, to a point on the west lot line of said Lot 148, said point being 39.50 feet right of station 74+22.19;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0268 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0268 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

EXHIBIT D

Page 3 of 3

LPA RX 883 U

Rev. 09/12

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

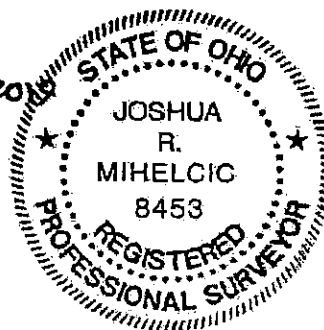
Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date




Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19
PAR ID: DIST. ___ BK ___ PG ___ PAR ___

] EXHIBIT E,

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-WD1
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, said point being 2.89 feet left of station 73+51.27 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

EXHIBIT E

Page 2 of 3

LPA RX 851 WD

Rev. 06/09

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northeast corner of said Lot 147, said point being 2.89 feet left of station 74+14.38;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence westerly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 62.63 feet, to a Mag Nail to be set on the proposed south right of way line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 73+57.28;

Thence southwesterly on the proposed south right of way line of Dayton-Xenia Road, on a curve to the left, with a central angle of 100 degrees 26 minutes 00 seconds and a radius of 5.00 feet, an arc distance of 8.76 feet, the chord of which bears South 55 degrees 38 minutes 38 seconds West for a distance of 7.68 feet, to a Mag Nail to be set on the existing east standard highway easement line of South Longview Street, said Mag Nail being 33.01 feet right of station 73+52.36;

Thence southerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, South 05 degrees 25 minutes 38 seconds West, 13.21 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 46.00 feet right of station 73+54.75;

Thence 46.00 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 25.42 feet, to a point on the existing centerline of right of way of South Longview Street, said point being 46.00 feet right of station 73+29.33;

EXHIBIT E

Page 3 of 3

LPA RX 851 WD

Rev. 06/09

Thence northerly on the existing centerline of right of way of South Longview Street, also being the west lot line of said Lot 147, North 05 degrees 25 minutes 38 seconds East, 49.72 feet, to a point described as the intersection of the existing centerline of right of way of Dayton-Xenia Road with the existing centerline of right of way of South Longview Street, said point also described as the northwest corner of said Lot 147, said point being 2.89 feet left of station 73+20.33;

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, South 74 degrees 08 minutes 22 seconds East, 30.94 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0760 acres, of which 0.0758 acres is PRO (Present Road Occupied), leaving a net take of 0.0002 acres, more or less, subject to legal highways and other easements of record.

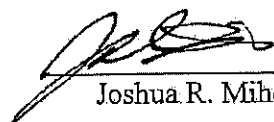
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.



Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT F

Page 1 of 3

LPA RX 851 WD

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-WD2
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

EXHIBIT F

Page 2 of 3

LPA RX 851 WD

Rev. 06/09

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Lot 148, said point being 2.89 feet left of station 74+14.38 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly continuing on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 148, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northeast corner of said Lot 148, said point being 2.89 feet left of station 75+08.43;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a point on the existing south standard highway easement line of Dayton-Xenia Road, said point being 27.11 feet right of station 75+13.95, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet;

Thence westerly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 94.05 feet, to a Mag Nail to be set on the west lot line of said Lot 148, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 30.50 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0648 acres, of which 0.0648 acres is PRO (Present Road Occupied), leaving a net take of 0.0000 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

EXHIBIT F


Page 3 of 3

LPA RX 851 WD

Rev. 06/09

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: C. Mihelcic Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

T:\projects\GRE\15846\Drawings\15846\158465002.dgn Sheet 4/25/2019 9:17:44 AM

NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE
NET TAKE = GROSS TAKE - PRO IN TAKE

GRANTEE:
ALL RIGHT OF WAY ACQUIRED IN THE NAME OF
THE CITY OF BEAVERCREEK UNLESS OTHERWISE SHOWN.

ALL AREAS IN ACRES

PARCEL NO.	OWNER	SHEET NO.	OWNERS RECORD		AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUCTURE	NET RESIDUE		TYPE FUND	REMARKS	AS ACQUIRED	
			BOOK	PAGE								LEFT	RIGHT			BOOK	PAGE
31-WD1	CHARLOTTE H. JONES-SIVA	12-13	2018008817		B42000200110014600	1.531 (P)	0.1002	0.1469	0.1002	0.0467				CITY			
31-WD2		12-15	2018008817		B42000200110014500	0.4035 (P)	0.0648	0.0926	0.0648	0.0278							
31-WD3		14-15	2018008817		B42000200110014400	0.4035 (P)	0.0648	0.0926	0.0648	0.0278							
	TOTAL					2.3380	0.2298	0.3321	0.2298	0.1023			2.0059				
31-T1		12-13			B42000200110014600			0.0400	0.0000	0.0400					FOR GRADING IMPROVEMENTS		
31-T2		12-15			B42000200110014500			0.0909	0.0000	0.0909					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT		
31-T3		14-15			B42000200110014400			0.0510	0.0000	0.0510					FOR GRADING IMPROVEMENTS		
	TOTAL							0.1819	0.0000	0.1819							
32-WD	THE CITY OF BEAVERCREEK, OHIO	12-15	3144	244	B42000200110034600	2.0090	0.1383	0.1383	0.1383	0.0000		1.8707			RECORD AREA DOES NOT INCLUDE TOTAL P.R.O.		
32-U		12-15						0.0282	0.0000	0.0282	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, (2) SHRUBS		
32-T		12-15						0.0745	0.0000	0.0745					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (3) SHRUBS, (10) PARKING SPOTS		
33-WD1	WILLIAM DYE & KATHLEEN M. DYE	14-15	2601	540	B42000200110014300	0.4035 (P)	0.0648	0.0648	0.0648	0.0000							
33-WD2		14-15	2601	540	B42000200110014200	0.4035 (P)	0.1564	0.0758	0.0758	0.0000							
	TOTAL					0.8070	0.2212	0.1406	0.1406	0.0000			0.5858				
33-U1		14-15			B42000200110014300			0.0268	0.0000	0.0268					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LIGHT		
33-U2		14-15			B42000200110014200			0.0195	0.0000	0.0195	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, (5) PARKING BLOCKS		
	TOTAL							0.0463	0.0000	0.0463							
33-T1		14-15			B42000200110014300			0.0326	0.0000	0.0326					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
33-T2		14-15			B42000200110014200			0.0318	0.0000	0.0318					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT		
	TOTAL							0.0644	0.0000	0.0644							
34-WD1	CARL PURVIS & DIANA M. PURVIS	14-15	338	III	B42000200110000300	0.3317 (C)	0.0560	0.0560	0.0560	0.0000					*(9) SHRUBS & LANDSCAPING		
34-WD2		14-15	338	III	B42000200110000600	0.3835 (C)	0.1510	0.0806	0.0806	0.0000					*(6) SHRUBS & LANDSCAPING		
	TOTAL					0.7152	0.2070	0.1366	0.1366	0.0000			0.5082				
34-U1	CARL PURVIS & DIANA M. PURVIS	14-15			B42000200110000300			0.0114	0.0000	0.0114					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LIGHT		
34-U2		14-15			B42000200110000600			0.0096	0.0000	0.0096	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, LIGHT, (2) SHRUBS		
	TOTAL							0.0210	0.0000	0.0210					(3) PARKING BLOCKS, (7) PARKING SPOTS		
34-T1		14-15			B42000200110000300			0.0219	0.0000	0.0219					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) PARKING SPOTS		
34-T2		14-15			B42000200110000600			0.0125	0.0000	0.0125					FOR GRADING IMPROVEMENTS		
	TOTAL							0.0344	0.0000	0.0344							
35-WD	TWO T.J. ENTERPRISES LTD.	14-15	1655	550	B42000200110000700	0.1582 (C)	0.0900	0.0806	0.0806	0.0000			0.0682		FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
35-U		14-15						0.0096	0.0000	0.0096							
35-T		14-15			B42000200110000700			0.0087	0.0000	0.0087					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (3) PARKING SPOTS		
		14-15	1655	550	B42000200110000800	0.2987 (C)	0.0807								CONTIGUOUS PARCEL, NO TAKE		
36	NOT USED																
37-WD1	BALAJI INVESTMENT, LLC	14-15	3669	476	B42000200110012000	0.4035 (P)	0.1564	0.0760	0.0758	0.0002							
37-WD2		14-17	3669	476	B42000200110012100	0.4035 (P)	0.0648	0.0648	0.0648	0.0000							
	TOTAL					0.8070	0.2212	0.1408	0.1406	0.0002			0.5856				
37-U1		14-15			B42000200110012000			0.0193	0.0000	0.0193					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
37-U2		14-17			B42000200110012100			0.0268	0.0000	0.0268					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SHRUB		
	TOTAL							0.0461	0.0000	0.0461							
37-T1		14-15			B42000200110012000			0.0233	0.0000	0.0233					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
37-T2		14-17			B42000200110012100			0.0189	0.0000	0.0189					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (8) PARKING SPOTS, SHRUB		
	TOTAL							0.0422	0.0000	0.0422				CITY			

NOTE: ALL TEMPORARY PARCELS TO
BE OF 12 MONTH DURATION.

TYPES OF TITLE LEGEND:
WD = WARRANTY DEED
U = UTILITY EASEMENT
T = TEMPORARY EASEMENT

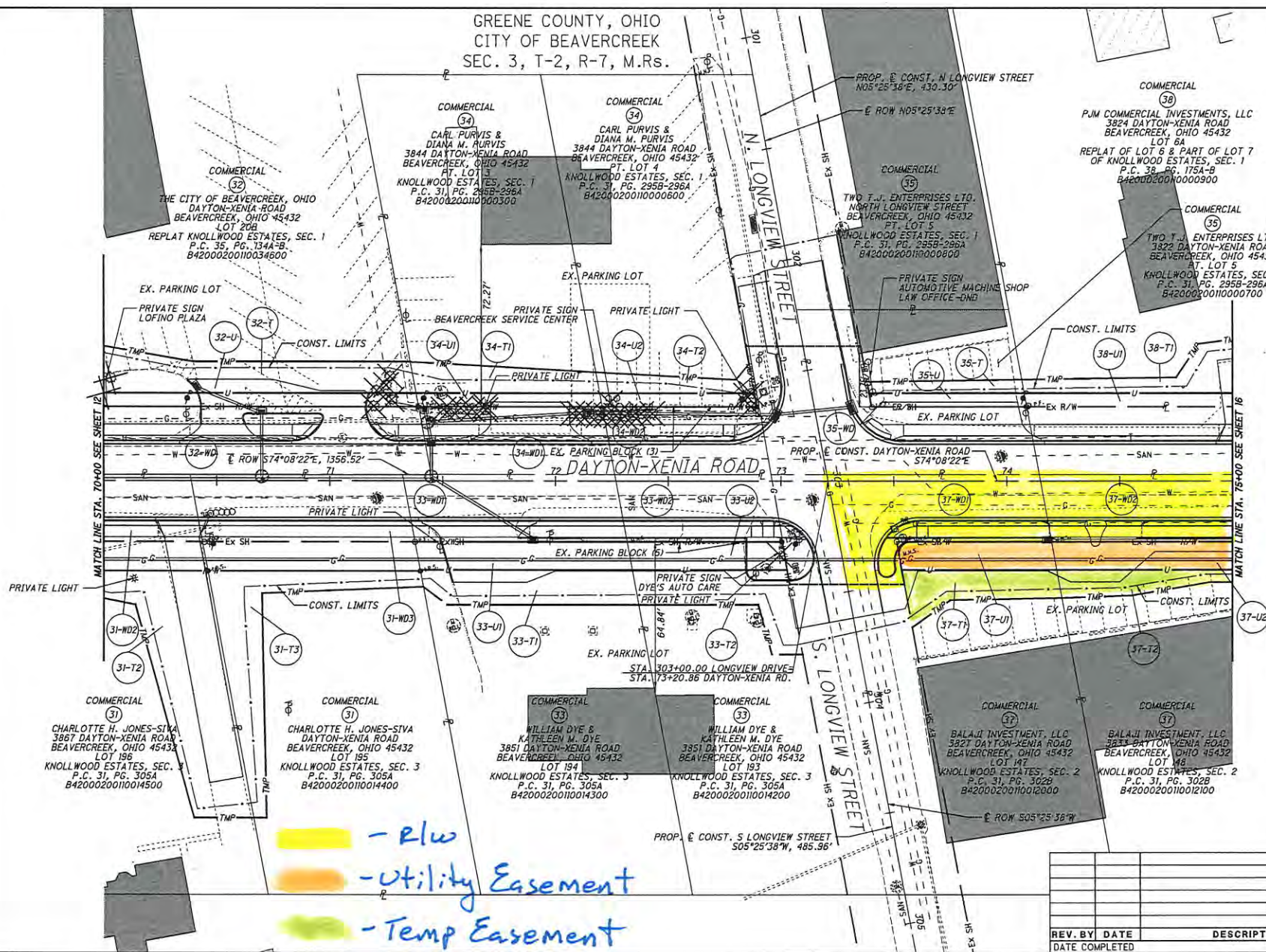
NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY
EASEMENTS TO BE USED FOR STORAGE OF
MATERIAL OR EQUIPMENT BY THE CONTRACTOR
UNLESS NOTES OTHERWISE.

* DENOTES RIGHT OF WAY ENCROACHMENT
Δ - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR
φ - REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION

REV. BY	DATE	DESCRIPTION
FIELD REVIEW BY	DATE:	
OWNERSHIP VERIFIED BY	DATE:	
DATE COMPLETED		

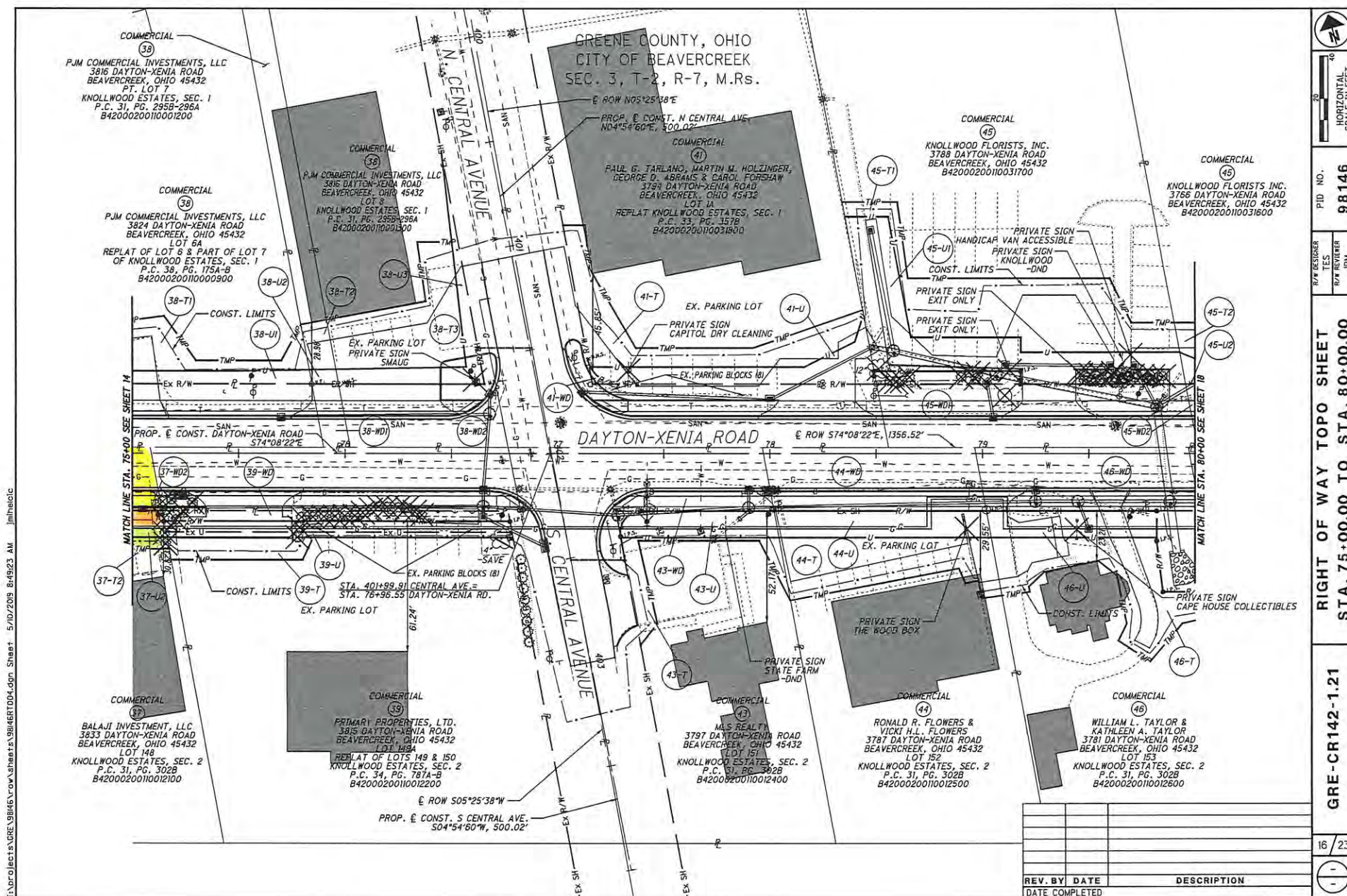
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GREENE COUNTY, OHIO
CITY OF BEAVERCREEK
SEC. 3, T-2, R-7, M.Rs.



HORIZONTAL SCALE IN FEET 	
R/W DESIGNER TES	PID NO. 98146
R/W REVIEWER JRM	RIGHT OF WAY TOPO SHEET STA. 70+00.00 TO STA. 75+00.00
GRE-CR142-1.21	
14 / 23	

REV. BY	DATE	DESCRIPTION



PC

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>November 11, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Balaji Investments Property
Agenda Reference No.: V. I.	<u>Ordinance No. 19-27</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 27 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Balaji Investments have been unsuccessful. The City's right-of-way acquisition consultant has made multiple attempts to contact the property owner, but they have been unresponsive to date. The passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to try to contact the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

In order for the City to meet ODOT's deadline for the completion of the right-of-way acquisition work, it is recommended that City Council approve the attached Ordinance as an emergency.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 19-27

SPONSORED BY COUNCIL MEMBER _____ ON THE 11TH DAY OF
NOVEMBER, 2019.

**TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED
BY BALAJI INVESTMENTS, LLC FOR THE DAYTON-XENIA ROAD
WIDENING PROJECT, IN THE CITY OF BEAVERCREEK, OHIO, AND
DECLARING AN EMERGENCY.**

WHEREAS, this Council, by Resolution Number 19-68, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Dayton-Xenia Road Widening Project and for the preservation of the public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY
ORDAINS THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', and Exhibit 'F' attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Dayton-Xenia Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Balaji Investments, LLC, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$19,280, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A', Exhibit 'B', Exhibit 'C', Exhibit 'D', Exhibit 'E', and Exhibit 'F' which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City; and further for the reason that the immediate construction of the improvements to Dayton-Xenia Road are necessary to improve the traffic safety and to reduce traffic congestion of certain streets, alleys, roadways, and right-of-way; therefore, this Ordinance shall be in full force and effective from and immediately after its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this _____ day of _____ 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

TO THE CLERK:

If this ordinance is adopted, please post it in full in the office of this City within ten days after its adoption and within the same ten days publish the summary of the ordinance one time in any newspaper or other printed publication of the type referred to above, together with a notice of adoption of the Ordinance.

City Attorney

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Balaji Investments, LLC, with interest by others, for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio, and declares an emergency.

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-T1
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the east lot line of said Lot 147, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 74+22.19 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 12.71 feet, to a point on the proposed temporary easement line, said point being 52.00 feet right of station 74+24.49;

Thence westerly on the proposed temporary easement line, North 75 degrees 17 minutes 49 seconds West, 49.50 feet, to a point on the proposed temporary easement line, said point being 53.00 feet right of station 73+75.00;

Thence westerly continuing on the proposed temporary easement line, South 70 degrees 14 minutes 18 seconds West, 20.60 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 65.00 feet right of station 73+58.25;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Thence northerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, North 05 degrees 25 minutes 38 seconds East, 25.93 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 73+53.56;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 68.63 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0233 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0233 acres, more or less, subject to legal highways and other easements of record.


The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date




Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT B

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-T2
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the west lot line of said Lot 148, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 74+22.19 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the east lot line of said Lot 148, said point being 39.50 feet right of station 75+16.24;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 5.59 feet, to a point on the proposed temporary easement line, said point being 45.00 feet right of station 75+17.25;

LPA RX 887 T

Thence westerly on the proposed temporary easement line, North 74 degrees 08 minutes 22 seconds West, 27.25 feet, to a point on the proposed temporary easement line, said point being 45.00 feet right of station 74+90.00;

Thence westerly continuing on the proposed temporary easement line, North 83 degrees 52 minutes 01 seconds West, 35.51 feet, to a point on the proposed temporary easement line, said point being 51.00 feet right of station 74+55.00;

Thence westerly continuing on the proposed temporary easement line, North 76 degrees 00 minutes 59 seconds West, 30.53 feet, to a point on the west lot line of said Lot 148, said point being 52.00 feet right of station 74+24.49;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.71 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0189 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0189 acres, more or less, subject to legal highways and other easements of record.

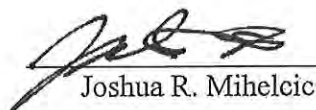
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK
Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By:  Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT C

LPA RX 883 U

Page 1 of 3

Rev. 09/12

Ver. Date 08/05/19

PID 98146

**PARCEL 37-U1
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence southerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, South 05 degrees 25 minutes 38 seconds West, 6.00 feet, to a Mag Nail to be set on the proposed south right of way line of Dayton-Xenia Road, said Mag Nail being 33.01 feet right of station 73+52.36 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence northeasterly on the proposed south right of way line of Dayton-Xenia Road, on a curve to the right, with a central angle of 100 degrees 26 minutes 00 seconds and a radius of 5.00 feet, an arc distance of 8.76 feet, the chord of which bears North 55 degrees 38 minutes 38 seconds East for a distance of 7.68 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 73+57.28;

Thence easterly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 62.63 feet, to a Mag Nail to be set on the east lot line of said Lot 147, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 12.60 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 74+22.19;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 68.63 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 39.50 feet right of station 73+53.56;

Thence northerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, North 05 degrees 25 minutes 38 seconds East, 6.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0193 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0193 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

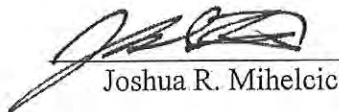
Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: And Date: 8-6-19

PAR ID: DIST ___ BK ___ PG ___ PAR ___

**PARCEL 37-U2
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Lot 148, said point being 2.89 feet left of station 74+14.38;

Thence southerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 74+19.90 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the east lot line of said Lot 148, said point being 27.11 feet right of station 75+13.95, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 12.60 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 75+16.24;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 94.05 feet, to a point on the west lot line of said Lot 148, said point being 39.50 feet right of station 74+22.19;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0268 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0268 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

LPA RX 883 U


Rev. 09/12

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453

**DESCRIPTION CHECK**

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: Chris Date: 8-6-19

PAR ID: DIST BK PG PAR

**PARCEL 37-WD1
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 147 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, said point being 2.89 feet left of station 73+51.27 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

EXHIBIT E

LPA RX 851 WD

Page 2 of 3

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Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northeast corner of said Lot 147, said point being 2.89 feet left of station 74+14.38;

Thence southerly on the east lot line of said Lot 147, also being the west lot line of Lot 148 of said Knollwood Estates, Section 2 plat, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a Mag Nail to be set on the existing south standard highway easement line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence westerly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 62.63 feet, to a Mag Nail to be set on the proposed south right of way line of Dayton-Xenia Road, said Mag Nail being 27.11 feet right of station 73+57.28;

Thence southwesterly on the proposed south right of way line of Dayton-Xenia Road, on a curve to the left, with a central angle of 100 degrees 26 minutes 00 seconds and a radius of 5.00 feet, an arc distance of 8.76 feet, the chord of which bears South 55 degrees 38 minutes 38 seconds West for a distance of 7.68 feet, to a Mag Nail to be set on the existing east standard highway easement line of South Longview Street, said Mag Nail being 33.01 feet right of station 73+52.36;

Thence southerly on the existing east standard highway easement line of South Longview Street, being a standard highway easement line 25.00 feet easterly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Longview Street, South 05 degrees 25 minutes 38 seconds West, 13.21 feet, to a point on the existing east standard highway easement line of South Longview Street, said point being 46.00 feet right of station 73+54.75;

Thence 46.00 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 25.42 feet, to a point on the existing centerline of right of way of South Longview Street, said point being 46.00 feet right of station 73+29.33;

EXHIBIT E

LPA RX 851 WD

Page 3 of 3

Rev. 06/09

Thence northerly on the existing centerline of right of way of South Longview Street, also being the west lot line of said Lot 147, North 05 degrees 25 minutes 38 seconds East, 49.72 feet, to a point described as the intersection of the existing centerline of right of way of Dayton-Xenia Road with the existing centerline of right of way of South Longview Street, said point also described as the northwest corner of said Lot 147, said point being 2.89 feet left of station 73+20.33;

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 147, South 74 degrees 08 minutes 22 seconds East, 30.94 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0760 acres, of which 0.0758 acres is PRO (Present Road Occupied), leaving a net take of 0.0002 acres, more or less, subject to legal highways and other easements of record.

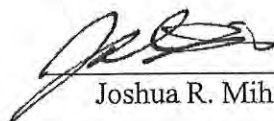
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012000.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio; No. S-008453



DESCRIPTION CHECK
Greene County Engineer's Tax Map Dept.

☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required


By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT F

LPA RX 851 WD

Page 1 of 3

Rev. 06/09

Ver. Date 08/05/19

PID 98146

**PARCEL 37-WD2
GRE-CR142-1.21
ALL RIGHT, TITLE AND INTEREST IN FEE SIMPLE
IN THE FOLLOWING DESCRIBED PROPERTY
WITHOUT LIMITATION OF EXISTING ACCESS RIGHTS
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Grantor/Owner, for himself and his heirs, executors, administrators, successors and assigns, reserves all existing rights of ingress and egress to and from any residual area (as used herein, the expression "Grantor/Owner" includes the plural, and words in the masculine include the feminine or neuter).

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio and conveyed to Balaji Investment, LLC as recorded in Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 63.11 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Lot 148, said point being 2.89 feet left of station 74+14.38 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly continuing on the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 148, South 74 degrees 08 minutes 22 seconds East, 94.05 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northeast corner of said Lot 148, said point being 2.89 feet left of station 75+08.43;

Thence southerly on the east lot line of said Lot 148, also being the west line of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a point on the existing south standard highway easement line of Dayton-Xenia Road, said point being 27.11 feet right of station 75+13.95, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet;

Thence westerly on the existing south standard highway easement line of Dayton-Xenia Road, being a standard highway easement line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 94.05 feet, to a Mag Nail to be set on the west lot line of said Lot 148, said Mag Nail being 27.11 feet right of station 74+19.90;

Thence northerly on the west lot line of said Lot 148, also being the east lot line of Lot 147 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 30.50 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0648 acres, of which 0.0648 acres is PRO (Present Road Occupied), leaving a net take of 0.0000 acres, more or less, subject to legal highways and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012100.

Prior Instrument Reference as of the date this survey was prepared: Official Record 3669, Page 476 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

LPA RX 851 WD

Rev. 06/09

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

By: CME Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

T:\p\objects\GRE\98145\Draw\Sheets\98145R002.dgn Sheet 4/25/2019 5:17:44 AM jmh:lgc

NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE
NET TAKE = GROSS TAKE - PRO IN TAKE

GRANTEE:
ALL RIGHT OF WAY ACQUIRED IN THE NAME OF
THE CITY OF BEAVERCREEK, OHIO, UNLESS OTHERWISE SHOWN.

ALL AREAS IN ACRES

PARCEL NO.	OWNER	SHEET NO.	OWNERS BOOK	RECORD PAGE	AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC-TURE	NET RESIDUE LEFT	NET RESIDUE RIGHT	TYPE FUND	REMARKS	AS ACQUIRED BOOK	AS ACQUIRED PAGE
31-WD1	CHARLOTTE H. JONES-SIVA	12-13	2018008817		B42000200110014600	1.531 (P)	0.1002	0.1469	0.1002	0.0467				CITY			
31-WD2		12-15	2018008817		B42000200110014500	0.4035 (P)	0.0648	0.0926	0.0648	0.0278							
31-WD3		14-15	2018008817		B42000200110014400	0.4035 (P)	0.0648	0.0926	0.0648	0.0278							
	TOTAL					2.3380	0.2298	0.3321	0.2298	0.1023			2.0059				
31-T1		12-13			B42000200110014600			0.0400	0.0000	0.0400					FOR GRADING IMPROVEMENTS		
31-T2		12-15			B42000200110014500			0.0909	0.0000	0.0909					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT		
31-T3		14-15			B42000200110014400			0.0510	0.0000	0.0510					FOR GRADING IMPROVEMENTS		
	TOTAL							0.1819	0.0000	0.1819							
32-WD	THE CITY OF BEAVERCREEK, OHIO	12-15	3144	244	B42000200110034600	2.0090	0.1383	0.1383	0.1383	0.0000		1.8707			RECORD AREA DOES NOT INCLUDE TOTAL P.R.O.		
32-U		12-15						0.0282	0.0000	0.0282	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, (2) SHRUBS		
32-T		12-15						0.0745	0.0000	0.0745					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (5) SHRUBS, (6) PARKING SPOTS		
33-WD1	WILLIAM DYE & KATHLEEN M. DYE	14-15	2601	540	B42000200110014300	0.4035 (P)	0.0648	0.0648	0.0648	0.0000							
33-WD2		14-15	2601	540	B42000200110014200	0.4035 (P)	0.1564	0.0758	0.0758	0.0000							
	TOTAL					0.8070	0.2212	0.1406	0.1406	0.0000			0.5858				
33-U1		14-15			B42000200110014300			0.0268	0.0000	0.0268					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LIGHT		
33-U2		14-15			B42000200110014200			0.0195	0.0000	0.0195	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, (5) PARKING BLOCKS		
	TOTAL							0.0463	0.0000	0.0463							
33-T1		14-15			B42000200110014300			0.0326	0.0000	0.0326					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
33-T2		14-15			B42000200110014200			0.0318	0.0000	0.0318					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT		
	TOTAL							0.0644	0.0000	0.0644							
34-WD1	CARL PURVIS & DIANA M. PURVIS	14-15	338	III	B42000200110000300	0.3317 (c)	0.0560	0.0560	0.0560	0.0000					* (9) SHRUBS & LANDSCAPING		
34-WD2		14-15	338	III	B42000200110000600	0.3835 (c)	0.1510	0.0806	0.0806	0.0000					* (6) SHRUBS & LANDSCAPING		
	TOTAL					0.7152	0.2070	0.1366	0.1366	0.0000		0.5082					
34-U1	CARL PURVIS & DIANA M. PURVIS	14-15			B42000200110000300			0.0114	0.0000	0.0114					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LIGHT		
34-U2		14-15			B42000200110000600			0.0096	0.0000	0.0096	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN, LIGHT, (2) SHRUBS		
	TOTAL							0.0210	0.0000	0.0210					(3) PARKING BLOCKS, (7) PARKING SPOTS		
34-T1		14-15			B42000200110000300			0.0219	0.0000	0.0219					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (2) PARKING SPOTS		
34-T2		14-15			B42000200110000600			0.0125	0.0000	0.0125					FOR GRADING IMPROVEMENTS		
	TOTAL							0.0344	0.0000	0.0344							
35-WD	TWO T.J. ENTERPRISES LTD.	14-15	1655	550	B42000200110000700	0.1582 (c)	0.0900	0.0806	0.0806	0.0000		0.0682					
35-U		14-15						0.0096	0.0000	0.0096					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
35-T		14-15			B42000200110000700			0.0087	0.0000	0.0087					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (3) PARKING SPOTS		
		14-15	1655	550	B42000200110000800	0.2987 (c)	0.0807								CONTIGUOUS PARCEL, NO TAKE		
36	NOT USED																
37-WD1	BALAJI INVESTMENT, LLC	14-15	3669	476	B42000200110012000	0.4035 (P)	0.1564	0.0760	0.0758	0.0002							
37-WD2		14-17	3669	476	B42000200110012100	0.4035 (P)	0.0648	0.0648	0.0648	0.0000							
	TOTAL					0.8070	0.2212	0.1408	0.1406	0.0002			0.5856				
37-U1		14-15			B42000200110012000			0.0193	0.0000	0.0193					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES		
37-U2		14-17			B42000200110012100			0.0268	0.0000	0.0268					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SHRUB		
	TOTAL							0.0461	0.0000	0.0461							
37-T1		14-15			B42000200110012000			0.0233	0.0000	0.0233					FOR GRADING AND DRIVEWAY IMPROVEMENTS		
37-T2		14-17			B42000200110012100			0.0189	0.0000	0.0189					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (8) PARKING SPOTS, SHRUB		
	TOTAL							0.0422	0.0000	0.0422				CITY			

NOTE: ALL TEMPORARY PARCELS TO BE OF 12 MONTH DURATION.

(c) = CALCULATED AREA
(P) = PLATTED AREA
(D) = DEED AREA

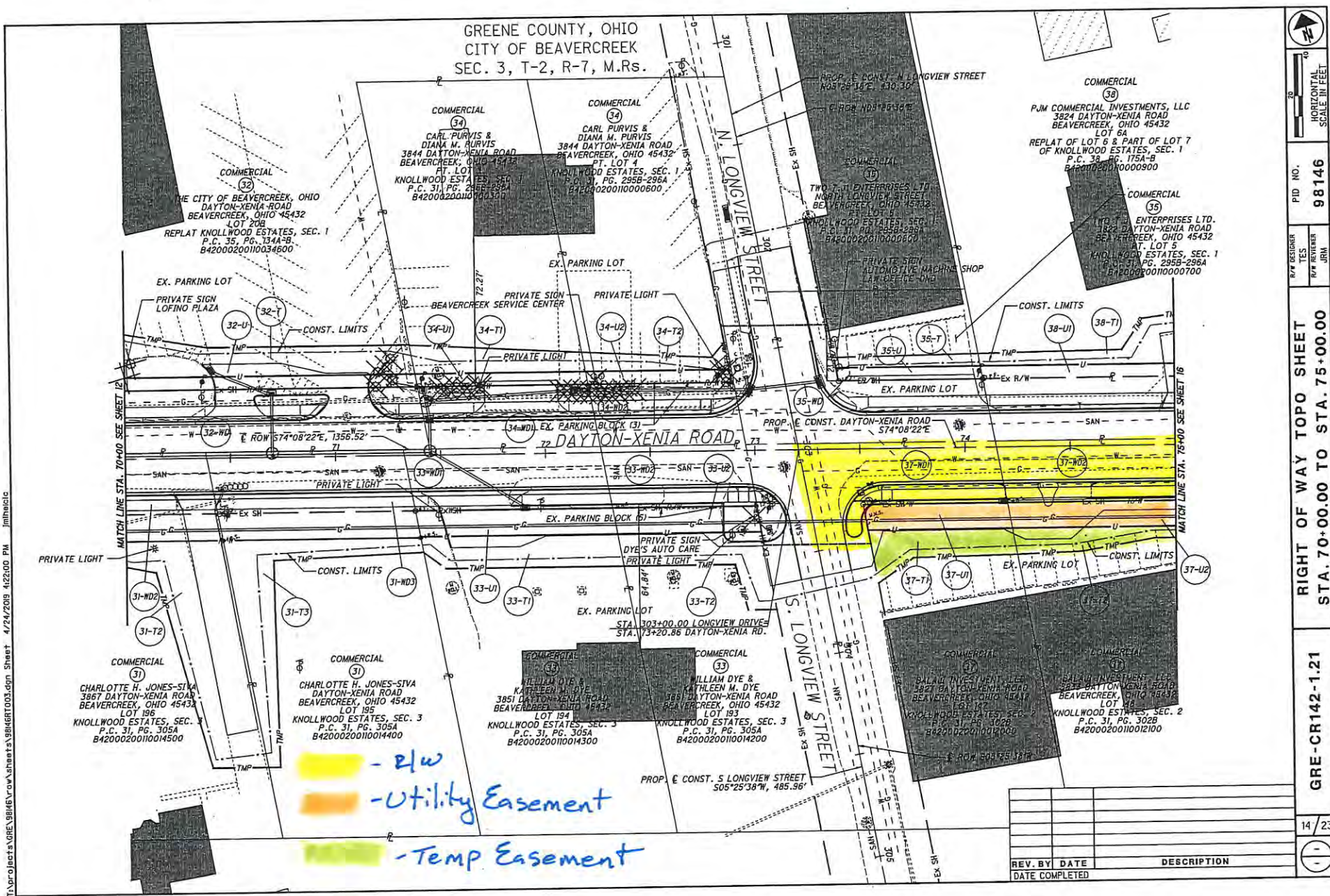
TYPES OF TITLE LEGEND:
WD = WARRANTY DEED
U = UTILITY EASEMENT
T = TEMPORARY EASEMENT

NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTES OTHERWISE.

* DENOTES RIGHT OF WAY ENCROACHMENT
Δ - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR
φ - REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION

REV. BY	DATE	DESCRIPTION
FIELD REVIEW BY	DATE:	
OWNERSHIP VERIFIED BY	DATE:	
DATE COMPLETED		

SUMMARY OF ADDITIONAL RIGHT OF WAY OWNERSHIP NUMBERS 31-37
FEDERAL PROJECT NO. E150(373)
PID NO. 98146
STATE JOB NO. 480017
OWNER'S REVIEW JRM
7/23
GRE-CR142-1.21



PID NO. 98146

R/W DESIGNER	TES
R/W REVIEWER	JRM

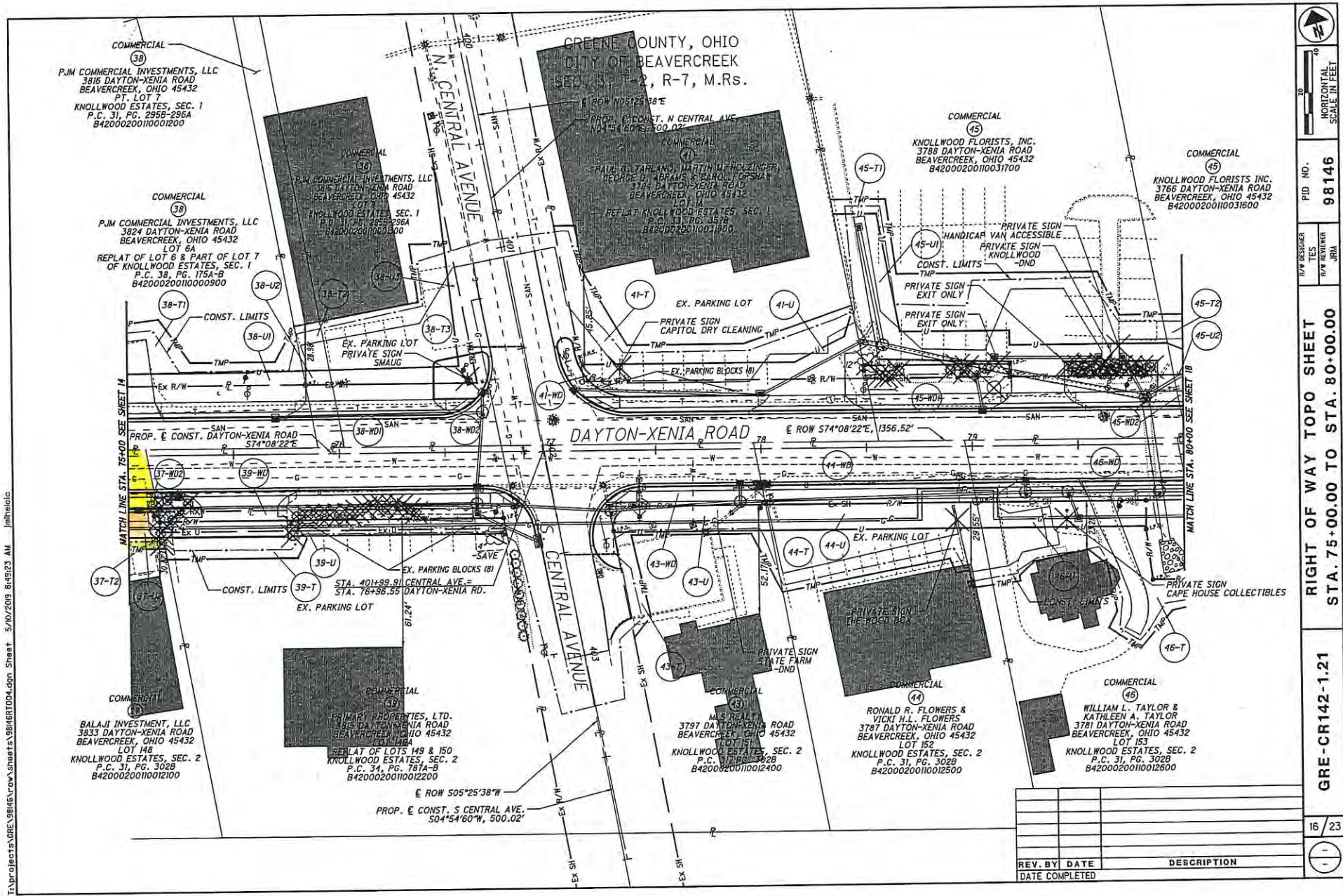
RIGHT OF WAY TOPO SHEET
STA. 70+00.00 TO STA. 75+00.00

GRE-CR142-1.21

	14	2
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RIGHT OF WAY TOPO SHEET		PID NO. 98146	
STA. 75+00.00 TO STA. 80+00.00		R/W DESIGNER TES	
GRE-CR142-1.21		R/W REVIEWER JRM	
16 / 23			
REV. BY DATE		DESCRIPTION	
DATE COMPLETED			

pel

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: 11-11-19	Reference Topic: Debris removal services
Agenda Reference No.: V. J.	Resolution 19-65

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

With help from 34 communities and the City's tree contractor the City collected vegetative debris from the right of way in the areas impacted by the Memorial Day tornado. The City, Township and County all staged the debris at two locations. The City has sought the guidance of the Federal Emergency Management Agency (FEMA) in securing a contractor to grind and haul away the debris from these two locations. After reviewing the procurement requirements required by FEMA to obtain reimbursement, the City, Township and the County have advertised to secure a vendor that all entities will utilize for the grinding and hauling of the debris.

Staff has reviewed the bids and determined that Beegly Tree, LLC is the lowest and best bid submitted for the completion of the work.

Staff recommends that City council authorize the City Manager to enter into the Contract with Beegly Tree, LLC so that the grinding and hauling of vegetative debris can be completed.

STAFF RECOMMENDATION:

Staff recommends approval of this Resolution.

**CITY OF BEAVERCREEK, OHIO
RESOLUTION NO. 19-65**

SPONSORED BY COUNCIL MEMBER _____ ON THE 11th DAY OF NOVEMBER 2019.

A RESOLUTION BY BEAVERCREEK CITY COUNCIL ACCEPTING THE BID OF BEEGHLY TREE, LLC. IN RESPONSE TO RFP 07-2019 FOR DEBRIS REMOVAL SERVICES AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH SAID CONTRACTOR TO PERFORM THE SERVICES SPECIFIED IN THE "DEBRIS REMOVAL SERVICES CONTRACT," WHICH CONTRACT IS INCORPORATED HEREIN BY REFERENCE AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OFFICES, FOR AN AMOUNT NOT TO EXCEED THE SUM OF SIX HUNDRED THOUSAND DOLLARS

WHEREAS, recent storm and tornadic events have caused significant debris and damage in the City of Beavercreek, Ohio; and

WHEREAS, the City's Public Administrative Services Department does not have sufficient time, staff, or resources to be independently responsible for the cleanup of all of the debris caused by the recent storm and tornadic activity in the City; and

WHEREAS, the City advertised for bids as required by law for this debris removal work and Beeghly Tree, LLC was determined to be the lowest and best bid submitted; and

WHEREAS, the City Manager and the Public Administrative Services Director recommend that City Council authorize the City Manager to enter into a contractual agreement with Beeghly Tree, LLC for debris removal services in the City; and

WHEREAS, City Council has determined that in the interest of the health, safety and welfare of the citizens of the City of Beavercreek that the City enter into a contractual agreement with Beeghly Tree, LLC for debris removal services.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, STATE OF OHIO, THAT:

- SECTION I. The City of Beavercreek solicited bids through a Request for Proposal ("RFP 07-2019") for debris removal services in the City, which debris was caused by recent storm and tornadic activity.
- SECTION II. The City Manager and the Public Administrative Services Director reviewed the bids that were submitted in response to RFP 07-2019 and they recommend that City Council accept the bid of Beeghly Tree, LLC.
- SECTION III: City Council finds that the bid of Beeghly Tree, LLC was the lowest and best bid submitted and, therefore, accepts same.

SECTION IV: City Council authorizes the City Manager to enter into a contractual agreement on substantially the same terms as the agreement on file with Beeghly Tree, LLC for debris removal services for an amount not to exceed six hundred thousand dollars.

SECTION V: This Resolution shall take effect at the earliest date allowed by law.

PASSED this 11th day of November, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY


SUMMARY

A RESOLUTION ACCEPTING THE BID OF BEEGHLY TREE, LLC FOR DEBRIS REMOVAL SERVICES AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH SAID CONTRACTOR TO PERFORM THE SERVICES SPECIFIED IN THE "DEBRIS REMOVAL SERVICES CONTRACT" FOR AN AMOUNT NOT TO EXCEED THE SUM OF SIX HUNDRED THOUSAND DOLLARS

Inter-Office Memorandum

October 24, 2019

To: Pete Landrum, City Manager
Mayor Stone, Vice Mayor Garcia and City Council Members

From: Bill Kucera, Financial Administrative Services Director 

Subject: Financial Analysis – Third Quarter 2019

Attached you will find a "Summary of Revenue and Expenditures" report that the Finance Department generates quarterly to monitor the budget. This report (Exhibit 1) illustrates the revenue and the expenditures received or incurred in the third quarter of 2019.

This high level review is designed to provide you a quick glance of the City's revenues and expenditures to assist in monitoring the financial condition of the City. Included with this report is the 2019 amended budget (amended means it includes additional appropriations and certified revenue approved by Council after the initial appropriation ordinance was passed in December 2018), along with year-to-date revenues and expenditures. I think it is important to not only compare the 2019 totals to the total budget, but to compare 2019 with the 2018 year to date numbers.

Below I have highlighted some areas that have significant variances between either what was budgeted compared to actual or in comparison to last year's revenues and expenditures (See Exhibit 1). You will note that only the major funds are depicted in this review.

General Fund:

Revenues:

Property Tax Revenue: The City received all of its property tax for the year. Based on the County Auditor's conservative estimates and the collection of delinquent taxes, the City received \$1.43m or 9.5% more than the budgeted amount. This amount is still \$4k less than last year. It should be noted that in 2019 the County Auditor increased its property assessment fee from .41% to .84% representing a 105% increase. This increase was noted in all funds that have levies and is also included in the voted debt service (for the Public Services Building). Local Government Fund revenue is \$363.2k or \$51.4k more than last year. This was somewhat anticipated in the budget but revenue is exceeding even the City's conservative revenue budget.

Interest Revenue: Year to date revenue is already \$244.7k, which is \$55.9k or 29.6% more than last year and has already exceeded the budget amount of \$190k by \$54.6k or 29%. This was anticipated with interest rates increasing as the budget in 2019 was increased \$100k over the 2018 budget. The increase in interest is directly related to the increasing yield, most notably in Star Ohio where the interest rate has increased to 2.25%, which is over 50 basis points higher than this time last year. This increased revenue will slow in the fourth quarter as the City uses available cash to pay for the tornado related expenses and interest rates began a slow decline. Attached is (Exhibit 4), which is the third quarter recap of all investments for your review.

Other Revenues/Transfers: Refunds and Reimbursements is showing a \$14k decrease from last year as a result of the timing on the BWC billion dollar rebate. This year the rebate was not received until October.

Expenditures:

As noted in the year to date column of Exhibit 1, total expenditures for the General Fund were at 72% below the 75% benchmark for the year. This includes a \$250k "Advance Out" to the Street Fund (203) to cover a portion of the tornado damage expenditures. All expenditures are in line with the current budget.

Police Fund:

Revenues:

The City received \$8.4m in property taxes, which was \$412.7k more than conservatively budgeted. This represent a slight increase of \$34k over last year's property tax revenue.

Charges for Services: Charges for services, which includes the Township Fire Dispatch agreement, is at \$327.8k representing a 72.4% increase over last year. The majority of the increase is the charges for the SRO's to the Beavercreek Schools. If you recall, the City identified an overbilling error which was corrected in 2018. The 2019 invoices now properly reflect the annual reimbursement of the services provided per our agreement. In addition, the City received reimbursement for the extra duty assignments throughout the year including grand openings, and major roadway projects. In particular, the Raising Cane restaurant where the City provided the service in late 2018 but the invoice for \$34.9k was not received until February 2019.

Other Revenue: Refunds and Reimbursement revenue line item was only \$56.4k this year compared to \$98.5k last year. This relates to the \$1 billion dollar BWC rebate. Last year the rebated was \$79.5 for the Police Fund and was received in July. This year's rebate was \$87.9k but was not received until October therefore the line item will actually be greater than last year by \$46k when comparing October year to date.

Expenditures:

Police Department expenditures were 67% of the 2019 budget. It should be noted that the department was reorganized physically last year after the first quarter but was not implemented financially until the 2019 budget. This reorganization made the comparables between years more difficult. Overall expenditures increased \$267k or 3.8% when compared to 2018. The majority of this increase is related to the collective bargaining agreement that was ratified in April 2019 and was paid retroactively to January 1st.

Another critical item that we continue to monitor, especially in light of the tornado incident, is overtime and compensatory time (See Overtime and Comp Time Analysis, Exhibit 3). Police overtime has increased by \$77.1k (or 40%) compared to last year's total. Overtime year to date is 76.1% of the budget still very close to the 75% benchmark for this time of the year. The City has captured overtime and comp time data related to the City's response to the tornado incident. The tornado related overtime was approximately \$48k, which the City will submit to FEMA for reimbursement. In addition, during this same period, compensatory (comp) time hours accrued were 2,048 or 19% more when compared to the same period last year. So despite the additional time spent on responding to the disaster overtime and comp time are within the annual budget.

Street Levy Fund:

Revenues:

In 2019, the City received \$5.5m in property taxes, which was \$9k or .2% more than collected last year in the third quarter. Last year, the City received pass through grant funds for several capital projects in the first quarter of 2018, which did not occur this quarter, causing skewed revenue when comparing this year to last year.

Expenditures:

Overall, operating expenditures were only 66% of the 2019 budget. However, this represents a \$1.2m or 33.1% increase over last year. Again this was a direct result of the tornado incident. The City has paid \$933k for the removal of vegetation from the storm. Overtime cost of \$193k to date exceeding the \$100k spent at this time last year. Overtime cost for public service for the first two pay period equated to approximately \$63k. Now that the County has been approved for public assistance, and based on the fact FEMA is allowing for reimbursement of not only overtime but regular time for services provided after the storm, 75% of these expenses will be covered by FEMA and we have been notified the State will contribute an additional 12.5% to offset the City's costs.

The Street Maintenance division is showing a substantial increase \$913k as a result of the contractual expenses for removal of the vegetation after the tornado event. The Stormwater division is \$76k more than last year as a result of acquiring a new bobcat compact truck loader that was ordered in 2018 but not delivered and paid for until 2019. Traffic Safety is showing an \$87k increase over last year. This is the result of the majority of the overtime (\$69k) worked for the Tornado event was expensed through this division. Snow and Ice Control is also showing a \$56k increase over last year as a result of overtime due to employees responding to snow and ice events. Unfortunately, many of these events were longer in duration and hit the City primarily on the weekends, Sunday or Holidays, which resulted in overtime payments.

**CITY OF BEAVERCREEK
FISCAL YEAR 2020 OPERATING BUDGET**

DEPT: PLANNING & DEVELOPMENT		101 / 55 1610			GENERAL FUND				
Acct.	Account Descriptions	2017 Actual	2018 Actual	2019 YTD 9/19	2019 Approved	2019 Estimated	2020 Proposed	Line Item Subtotal	Additional Description
1110	FULLTIME SALARIES	\$ 412,164	\$ 422,869	\$ 275,641	\$ 382,187	\$ 382,187	\$ 413,661	\$ 413,661	(1) Planning & Development Director (1) City Planner, (1) Associate Planner (1) Code Enforcement Officer, (1) Planning Coordinator.(1 Step Increase/CWA contract
1210	PART TIME SALARIES	\$ 4,949	\$ 3,211	\$ 3,114	\$ 20,485	\$ 3,114	\$ 13,323	\$ 8,227 \$ 5,096	Planning Clerk (480 @ \$17.14) Code Enforcement Intern (12.74 @ 400 hrs)
1310	OVERTIME	\$ -	\$ 220	\$ 220	\$ 615	\$ 250	\$ 615	\$ 615	For neighborhood cleanup, meetings
1410	PENSION/PERS	\$ 58,396	\$ 55,398	\$ 39,057	\$ 56,740	\$ 56,740	\$ 59,864	\$ 59,864	City Contribution of pension; 14% salaries
1610	HEALTH INSURANCE	\$ 89,662	\$ 83,496	\$ 61,843	\$ 83,679	\$ 83,679	\$ 88,954	\$ 88,954	4 Family and 1 Single
1615	DENTAL INSURANCE	\$ 3,499	\$ 3,268	\$ 2,445	\$ 3,260	\$ 3,260	\$ 3,153	\$ 3,153	4 Family and 1 Single
1620	EMPLOYEE LIFE INSURANCE	\$ 358	\$ 325	\$ 234	\$ 381	\$ 381	\$ 381	\$ 381	3 Mgmt. + 2 Regular
1700	MEDICARE	\$ 5,731	\$ 5,879	\$ 3,850	\$ 5,877	\$ 5,877	\$ 6,200	\$ 6,200	1.45% of salaries
1800	OTHER BENEFITS	\$ -	\$ -	\$ 2,565	\$ 3,420	\$ 3,420	\$ 3,420	\$ 3,000 \$ 420	Vehicle Allowance (Per Agreement) Cell Phone Allowance (Per Agreement)
1900	WORKERS COMP	\$ 7,335	\$ 8,166	\$ 6,923	\$ 8,106	\$ 6,923	\$ 8,552	\$ 8,552	2% of salaries
	PERSONNEL	\$ 582,094	\$ 582,833	\$ 395,893	\$ 564,749	\$ 545,831	\$ 598,123		
2110	UNIFORMS	\$ 326	\$ 343	\$ -	\$ 350	\$ 350	\$ 350	\$ 350	Code Enforcement Boots/Shirts
2220	POSTAGE	\$ 160	\$ 242	\$ 420	\$ 840	\$ 840	\$ 840	\$ 840	\$70 per month
2290	MISC OFFICE SUPPLIES	\$ 1,480	\$ 1,095	\$ 1,037	\$ 2,420	\$ 2,420	\$ 2,420	\$ 1,500 \$ 120 \$ 800	Plotter/scanner/color ink supplies News, Dayton Daily, Other subscriptions Computer/calendars misc. office supplies
2310	GAS/OIL FOR CITY VEHICLES	\$ 1,253	\$ 1,167	\$ 1,092	\$ 1,875	\$ 1,875	\$ 1,875	\$ 1,875	Code Enforcement Officer; 750 @ \$2.50/gal
2499	MISC OPERATING SUPPLIES	\$ 1,731	\$ 1,240	\$ 1,161	\$ 2,000	\$ 2,000	\$ 2,000	\$ 1,000 \$ 350 \$ 1,000	General software & updates (Adobe) Replacement monitors (2) Arc View Arc Press software & maintenance
2550	VEHICLE/EQUIPMENT PARTS	\$ 181	\$ 553	\$ 617	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	2 vehicles: tires, batteries, wiper blades, etc.
2946	COMPUTER SOFTWARE	\$ -	\$ 11,836	\$ 35,765	\$ 8,954	\$ 35,765	\$ 10,954	\$ 8,954 \$ 2,000	Community Development Software Maintenance Allocation (17%) County Economic Impact software-split with County, Beavercreek, Xenia & Fairborn.
	COMMODITIES	\$ 5,132	\$ 16,476	\$ 40,091	\$ 17,439	\$ 44,250	\$ 19,439		
3040	OTHER SERVICE	\$ 3,388	\$ 4,838	\$ 3,419	\$ 7,000	\$ 7,000	\$ 7,000	\$ 5,500 \$ 1,500	Annual contract mowing - Bid Annually Neighborhood Clean-up-Dumpster Rental (2)
3095	REFUNDS	\$ 829	\$ -	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	Refunds of permits
3230	TELEPHONE	\$ 321	\$ 325	\$ 1,471	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800 \$ -	Code Enforcement Officer's cell and (2) tablets Code Enforcement Laptop Wi-Fi (AT&T)

**CITY OF BEAVERCREEK
FISCAL YEAR 2020 OPERATING BUDGET**

DEPT: PLANNING & DEVELOPMENT			101 / 55 1610			GENERAL FUND			
Acct.	Account Descriptions	2017 Actual	2018 Actual	2019 YTD 9/19	2019 Approved	2019 Estimated	2020 Proposed	Line Item Subtotal	Additional Description
3620	PRINTING	\$ 321	\$ -	\$ 175	\$ 300	\$ 300	\$ 300	\$ 300	Maps, graphics, grass violation notice signs, business cards,
3700	ADVERTISING	\$ 111	\$ -	\$ 121	\$ 200	\$ 200	\$ 200	\$ 200	Legal advertising (grass cutting/signage)
3810	REGISTRATION	\$ 340	\$ 340	\$ 25	\$ 660	\$ 660	\$ 660	\$ 220	Miami Valley Regional (4 @ \$55)
								\$ 190	Ohio Environmental Health Assoc. (OEHA) Conference Sinclair
								\$ 250	National Assoc. of Industrial & Office Properties
3910	MEMBERSHIP FEES	\$ 3,043	\$ 3,177	\$ 2,167	\$ 5,605	\$ 5,605	\$ 3,605	\$ 1,400	3 American Planning Assoc; 1 AICP
								\$ 425	1 National Assoc. for Industrial Office Parks
								\$ 90	Registered Sanitarian License renewal
								\$ 70	Ohio Environmental Health Association
								\$ 25	1 Ohio Code Enforcement Officers Assoc.
								\$ 1,500	Business First (\$1.5k)
								\$ 95	1 American Assoc. of Code Enforcement
	CONTRACTUAL	\$ 8,353	\$ 8,679	\$ 7,377	\$ 15,815	\$ 15,815	\$ 13,815		
4446	COMPUTER EQUIPMENT	\$ 1,352	\$ -	\$ 6,611	\$ 9,300	\$ 9,300	\$ -	\$ -	Replacemts-(5) computers (2019)
4471	TRUCKS/OTHER VEHICLES	\$ -	\$ -	\$ 24,528	\$ -	\$ -	\$ -	\$ -	Repl. Pick-up Truck-Code Enforc.(2018 CO)
	CAPITAL	\$ 1,352	\$ -	\$ 31,139	\$ 9,300	\$ 9,300	\$ -		
Total		\$ 596,930	\$ 607,988	\$ 474,499	\$ 607,303	\$ 615,196	\$ 631,377		

% Increase/(Decrease) over 2019 Budget

3.96%

DEPT: PLANNING & DEVELOPMENT			101 / 55 1140			GENERAL FUND			
BOARDS									
Acct.	Account Descriptions	2017 Actual	2018 Actual	2019 YTD 6/19	2019 Approved	2019 Estimated	2020 Proposed	Line Item Subtotal	Additional Description
2220	POSTAGE	\$ 1,211	\$ 914	\$ 601	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	Public Hearing Mailings
2290	MISC OFFICE SUPPLIES	\$ 24	\$ -	\$ -	\$ 50	\$ 50	\$ 50	\$ 50	Name plates
	COMMODITIES	\$ 1,235	\$ 914	\$ 601	\$ 1,050	\$ 1,050	\$ 1,050		
3700	ADVERTISING	\$ 3,826	\$ 5,770	\$ 3,497	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	Legal Ads BZA & Planning Commission
3830	OTHER EDUCATIONAL	\$ 150	\$ 100	\$ -	\$ 250	\$ 250	\$ 250	\$ 250	Miami Valley P&Z Workshop 50 X 5
3910	MEMBERSHIP FEES	\$ 440	\$ 440	\$ 440	\$ 440	\$ 440	\$ 440	\$ 440	American Planning Assn. 5 X 85
	CONTRACTUAL	\$ 4,416	\$ 6,310	\$ 3,937	\$ 5,690	\$ 5,690	\$ 5,690		
Total		\$ 5,650	\$ 7,225	\$ 4,538	\$ 6,740	\$ 6,740	\$ 6,740		


% Increase/(Decrease) over 2019 Budget

0.00%

Inter-Office Memorandum

October 24, 2019

To: Pete Landrum, City Manager
Mayor Stone, Vice Mayor Garcia and City Council Members

From: Bill Kucera, Financial Administrative Services Director 

Subject: Financial Analysis – Third Quarter 2019

Attached you will find a "Summary of Revenue and Expenditures" report that the Finance Department generates quarterly to monitor the budget. This report (Exhibit 1) illustrates the revenue and the expenditures received or incurred in the third quarter of 2019.

This high level review is designed to provide you a quick glance of the City's revenues and expenditures to assist in monitoring the financial condition of the City. Included with this report is the 2019 amended budget (amended means it includes additional appropriations and certified revenue approved by Council after the initial appropriation ordinance was passed in December 2018), along with year-to-date revenues and expenditures. I think it is important to not only compare the 2019 totals to the total budget, but to compare 2019 with the 2018 year to date numbers.

Below I have highlighted some areas that have significant variances between either what was budgeted compared to actual or in comparison to last year's revenues and expenditures (See Exhibit 1). You will note that only the major funds are depicted in this review.

General Fund:

Revenues:

Property Tax Revenue: The City received all of its property tax for the year. Based on the County Auditor's conservative estimates and the collection of delinquent taxes, the City received \$1.43m or 9.5% more than the budgeted amount. This amount is still \$4k less than last year. It should be noted that in 2019 the County Auditor increased its property assessment fee from .41% to .84% representing a 105% increase. This increase was noted in all funds that have levies and is also included in the voted debt service (for the Public Services Building). Local Government Fund revenue is \$363.2k or \$51.4k more than last year. This was somewhat anticipated in the budget but revenue is exceeding even the City's conservative revenue budget.

Interest Revenue: Year to date revenue is already \$244.7k, which is \$55.9k or 29.6% more than last year and has already exceeded the budget amount of \$190k by \$54.6k or 29%. This was anticipated with interest rates increasing as the budget in 2019 was increased \$100k over the 2018 budget. The increase in interest is directly related to the increasing yield, most notably in Star Ohio where the interest rate has increased to 2.25%, which is over 50 basis points higher than this time last year. This increased revenue will slow in the fourth quarter as the City uses available cash to pay for the tornado related expenses and interest rates began a slow decline. Attached is (Exhibit 4), which is the third quarter recap of all investments for your review.

Other Revenues/Transfers: Refunds and Reimbursements is showing a \$14k decrease from last year as a result of the timing on the BWC billion dollar rebate. This year the rebate was not received until October.

Expenditures:

As noted in the year to date column of Exhibit 1, total expenditures for the General Fund were at 72% below the 75% benchmark for the year. This includes a \$250k "Advance Out" to the Street Fund (203) to cover a portion of the tornado damage expenditures. All expenditures are in line with the current budget.

Police Fund:

Revenues:

The City received \$8.4m in property taxes, which was \$412.7k more than conservatively budgeted. This represent a slight increase of \$34k over last year's property tax revenue.

Charges for Services: Charges for services, which includes the Township Fire Dispatch agreement, is at \$327.8k representing a 72.4% increase over last year. The majority of the increase is the charges for the SRO's to the Beavercreek Schools. If you recall, the City identified an overbilling error which was corrected in 2018. The 2019 invoices now properly reflect the annual reimbursement of the services provided per our agreement. In addition, the City received reimbursement for the extra duty assignments throughout the year including grand openings, and major roadway projects. In particular, the Raising Cane restaurant where the City provided the service in late 2018 but the invoice for \$34.9k was not received until February 2019.

Other Revenue: Refunds and Reimbursement revenue line item was only \$56.4k this year compared to \$98.5k last year. This relates to the \$1 billion dollar BWC rebate. Last year the rebated was \$79.5 for the Police Fund and was received in July. This year's rebate was \$87.9k but was not received until October therefore the line item will actually be greater than last year by \$46k when comparing October year to date.

Expenditures:

Police Department expenditures were 67% of the 2019 budget. It should be noted that the department was reorganized physically last year after the first quarter but was not implemented financially until the 2019 budget. This reorganization made the comparables between years more difficult. Overall expenditures increased \$267k or 3.8% when compared to 2018. The majority of this increase is related to the collective bargaining agreement that was ratified in April 2019 and was paid retroactively to January 1st.

Another critical item that we continue to monitor, especially in light of the tornado incident, is overtime and compensatory time (See Overtime and Comp Time Analysis, Exhibit 3). Police overtime has increased by \$77.1k (or 40%) compared to last year's total. Overtime year to date is 76.1% of the budget still very close to the 75% benchmark for this time of the year. The City has captured overtime and comp time data related to the City's response to the tornado incident. The tornado related overtime was approximately \$48k, which the City will submit to FEMA for reimbursement. In addition, during this same period, compensatory (comp) time hours accrued were 2,048 or 19% more when compared to the same period last year. So despite the additional time spent on responding to the disaster overtime and comp time are within the annual budget.

Street Levy Fund:

Revenues:

In 2019, the City received \$5.5m in property taxes, which was \$9k or .2% more than collected last year in the third quarter. Last year, the City received pass through grant funds for several capital projects in the first quarter of 2018, which did not occur this quarter, causing skewed revenue when comparing this year to last year.

Expenditures:

Overall, operating expenditures were only 66% of the 2019 budget. However, this represents a \$1.2m or 33.1% increase over last year. Again this was a direct result of the tornado incident. The City has paid \$933k for the removal of vegetation from the storm. Overtime cost of \$193k to date exceeding the \$100k spent at this time last year. Overtime cost for public service for the first two pay period equated to approximately \$63k. Now that the County has been approved for public assistance, and based on the fact FEMA is allowing for reimbursement of not only overtime but regular time for services provided after the storm, 75% of these expenses will be covered by FEMA and we have been notified the State will contribute an additional 12.5% to offset the City's costs.

The Street Maintenance division is showing a substantial increase \$913k as a result of the contractual expenses for removal of the vegetation after the tornado event. The Stormwater division is \$76k more than last year as a result of acquiring a new bobcat compact truck loader that was ordered in 2018 but not delivered and paid for until 2019. Traffic Safety is showing an \$87k increase over last year. This is the result of the majority of the overtime (\$69k) worked for the Tornado event was expensed through this division. Snow and Ice Control is also showing a \$56k increase over last year as a result of overtime due to employees responding to snow and ice events. Unfortunately, many of these events were longer in duration and hit the City primarily on the weekends, Sunday or Holidays, which resulted in overtime payments.

This year the City had 17 snow/ice events (November through April) compared to 19 events last year. This year's snow events resulted in the use of 4,578 tons of salt where last year's events the City used 5,247 tons. This represents a decrease of 669 tons of salt. If you recall the City as part of the 2018/2019 bid process had to guarantee the purchase of 8,000 tons of salt, so our barn will be filled to capacity to cover future winter events. The department also used 2,300 gallons of brine solution for pre-treatment, which helped to reduce the salt application. Applying the brine mixture before storms during normal work hours also helps to decrease overtime hours. Although there were a few less events, the storms in 2018/2019 season were more intense and longer. This resulted in an increased use of overtime in the Street Levy Fund. (See Exhibit 3). This and the tornado event produced a significant increase in comp time being accrued. To date, the total comp time accrued was 2,028 hours compared to 940 last year, which represents a 1,088 hours or 116% increase. This would have been far greater if the comp time threshold in the CWA contract effective (1/1/2019) didn't cap the total number of comp time hours that can be accrued at 56 hours. Additionally, all balances will be paid out in December 2019.

After making some adjustments to the 203 budget (transferring projects or delaying them to fund the tornado relief efforts, there is only \$4.1m budgeted for capital improvements. Of that, only \$1.8m has been spent or recorded in the third quarter of 2019.

Keep in mind, the fund balance requirement for the Street levy fund has been reduced to 15% to accommodate the payment of tornado expenditures in anticipation of reimbursement of 87.5% of these expenses off into the future. At that time, capital equipment and improvements will be reviewed and reentered into the capital plans.

Street Maintenance (204) & State Highway Fund (205):

Revenues:

The Street Maintenance Fund (Fund 204) receives the majority of its funding from gasoline taxes and license fees. To date the City received \$1.5m, which is \$69k or 4.9% increase over last year. This is the direct result of the State increasing the gas tax by 10.5 cents for gasoline and 19 cents for diesel effective July 1st. The City distribution increased approximately \$82.7k per month. On the negative side, different government jurisdictions have hired a consultant to complete audits on these two revenue sources and have discovered that licenses have been paid to the wrong jurisdiction. These audits identified and corrected errors and over the last year or so the City has received notification of revenue that was miscoded by the DMV. This has had an impact on the revenue generated in these two categories. The consultant was hired to complete this project for the City several years ago and they did find several accounts that were miscoded and subsequently the City changed the records, which increased our revenue in this category.

The collaborative effort to provide gas and diesel fuel along with a updated thirteen cent per gallon administrative charge with the Township is functioning efficiently and has proven to be mutually beneficial for both entities. To date, the City has received ten payments totaling approximately \$89.7k for the year.

Expenditures:

The City budgets for an average winter event season. The City this year budgeted approximately \$706k in salt product for 2019. Based on the 2018 bid, the City was required to purchase 8,000 tons of salt at a price of \$88.23. This represented an increase of \$39.91 or 82.5% per ton more than the 2018 pricing. Although the City was required to purchase 8k tons. With the salt barn full, the City was able to sell 1,400 tons of salt to the County for \$125.3k. This resulted in savings for the County as the City's price per ton was lower than Greene County, which allowed us to complete our contract without having to pay storage fees. In addition, this same relationship holds true for fuel purchases. With the increase in events (especially the tornado, when the City provided fuel to all mutual aid community equipment) fuel costs increased substantially.

Street Capital Improvement Fund (260):

The City received the third half settlement of property taxes for this levy, totaling \$2.7m, which represents \$6.4k or a .2% increase over 2018 but \$136k more than conservative budget. Expenditures in the third quarter mostly relate to the carryover of projects and payments from the 2018 capital improvement program as the 2019 projects are being bid and will be implemented more heavily in the third quarter of 2019.

Recreation Levy Fund (279):

The City received all of the property taxes for this levy totaling \$1.2m, which represents a \$3k or .3% increase over 2018. Fourth of July contributions were at \$31.3k, which is \$6.4k more than last year. All Park and Senior Center divisions' expenditures are at 69%, well below the 75% third quarter benchmark.

Golf Course:

Revenues:

Golf and Pro Shop: With a warm start to the season (which allowed play in January) and the good weather throughout the second and third quarters, the golf course experienced strong sales and revenue numbers. As a result, the number of golf rounds totaled 22,266, which was \$2.9k more than last year, a 15% increase. Green fee revenues were \$428.7k or \$55.6k more than last year. With the increased activity at the golf course, virtually all sales and services areas have shown an increase. Merchandise and special order sales are at \$125.5k, \$24.3k more than last year representing a 24% increase. The majority of these sales are special order sales, which have a slightly higher mark-up. With a new promotional emphasis on all-inclusive calendar passes, seasonal pass fees are at \$57k, a significant increase over the \$41.9k last year at this time and 76% of the budget. However, with the emphasis on calendar passes and prorating some pass that were purchased early last year, the seasonal pass fees may have a tough time reaching the \$75k budget. Range revenue at \$44.3k also showed a 48% increase over last year.

Food and Beverage year to date revenue was \$377.3k compared to \$346.3k last year, an increase of \$31k or 8.9%. This was the result of strong bookings for events and small weddings. The course did book three weddings this year as a result of staff attending the January and February bridal shows bringing the total booked to 19, just one shy of the 20 wedding event goal. Also, room rentals and accessory rentals were higher this year. The golf course has restructured their menus and pricing to make events more profitable, while maintaining quality and providing an excellent setting for current and future events.

The golf course also was impacted by the tornado event. The day after the course was closed for clearing and the course lost one outing because of the tragedy. The City does have business continuation coverage through MVRMA and filed a claim and did receive reimbursement of \$10.5k for the lost revenue.

Expenditures:

While golf course activity and revenue increased, operating expenditures were only \$15.5k more than last year. The majority of the increase was related to having a full time golf course Assistant Superintendent this year while the position was unfilled last year at this time. Golf Operations expenditures increased \$20.8k over last year. The majority of this was the result of increased merchandise sales as noted above. Cost of Goods have increased only \$8.6k with sales increasing \$24.3k. In order to control cost they have reduced the number of vendors and inventory at the pro shop and are continuing to place more emphasis on special orders, which as noted above generates a higher profit margin.

With the increase in F&B activity, the corresponding costs associated with the operation actually decreased. Emphasis was placed this year in controlling costs of major expenditures. The menu has been restructured and with spot quotes on food from suppliers the division was able to reduce food item costs by \$17k when compared to last year. Also, the division secured a new laundry and linen vendor, which will further control and reduced this highly variable expenditure by over \$10k compared to last year. This along with controlling part time salaries and overtime has F&B operational expenditures at \$433.1k a \$36.7k decrease over last year. F&B also scheduled five "Party on the Patio" events, and six brunch dates in 2019. Both the Easter Brunch and Mother's Day brunch was full with over 350 and 395 reservations respectively. The course ventured into a new event and hosted four trivia nights designed to increase the course F&B exposure and provide an alternative revenue source.

This year, the golf course continued with their aggressive ground maintenance program. During the third quarter, additional resources were spent clearing underbrush and honeysuckle to allow additional aeration to the fairways and greens. Fertilizer, a main expense for the maintenance department, increased to \$87.7k a \$5.6k increase over previous years as the result of increased cost for the product. The golf course is working on some capital improvements to improve the aging ecstatic's of the clubhouse. Also, two roofs were damaged as a result of the tornado (training

building and the maintenance building). Both were covered by the City's property insurance. All other operating expenditures are in line.

Overtime & Comp Time: We continue to monitor overtime and compensatory time accrued. Although in some cases this is not controllable (tornado events, snow events, employee injuries, city sponsored events), other times, overtime can be somewhat maintained through proper planning. The attached Overtime and Comp Time Analysis (Exhibit 3) shows that overtime citywide has significantly increased due to the tornado response. Overtime was at \$330.9k or approximately 51.4% over last year's third quarter. It should be noted that despite the increase from the tornado many of the snow events, tornado response and city sponsored events occurred on Sunday or Holidays creating additional overtime costs. The City has spent 92.3% of the budget to date. As noted above up to 87.5% of the costs associated with the tornado response can be claimed for public assistance. Comp time accrued in 2019 was 4,695 hours, a 61.4% increase over last year. The majority of these hours were related to the tornado response and snow and ice events that occurred. It is interesting to note, limiting public service employees accrual per the new CWA agreement, and despite the tornado event, the comp time liability increased only to \$138.2k, which is an increase of \$9.5k or 7.4% over last year third quarter liability of \$128.7k.

Investments: (Exhibit 4)

As you can tell by the "Month End Investment Balances" report, there are significant fluctuations in the amount of funds available for investments. The Finance Department immediately transfers property tax funds to the Star Ohio fund to increase short term interest. The returns with Star Ohio are currently 2.25% compared to 1.25% for our Public Funds account (City bank account). It should be noted that the Star Ohio and Star Ohio Plus funds are beginning to separate slightly related to the duration of the investments. Therefore the majority of our funds were placed in Star Ohio which is 13 basis points higher than Star Plus. The City moved a substantial amount of idle funds to that investment option to increase the City return on these funds. To provide a further breakdown of the investment strategy, a "Portfolio" report was generated to summarize the different facets of the investment portfolio. Overall, the City's return on investments is 2.13%, which is now the same as the Federal Reserve rate, but 41 basis points higher than the 12 month treasuries. With the inverted rate curve, the City has elected to maintain the funds in Star Ohio and not place any funds in longer term maturities as current agency bonds and certificates of deposit mature to continue to achieve the highest return on the City's investable cash. This is also critical for our cash flow projections as tornado related expenditures will be paid currently and reimbursements from FEMA and Ohio EMA will not be received for many months or years.

Summary: In summary, all major City funds operated within the 2019 budget unless noted above. After reading this recap, should you have any questions, please feel free to call me.

Enc: Summary of Revenue and Expenditures 3rd Quarter 2019 (Exhibit 1)
Property/Personal Property Tax & Local Government Fund Analysis (Exhibit 2)
Overtime/Comp Time Analysis – 3rd Quarter FY 2019 Compared to 2018 (Exhibit 3)
Investment Summary – 3rd Quarter FY 2019 (Exhibit 4)

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending September 30, 2019 - (Unaudited)

Exhibit 1

GENERAL FUND (101)						
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP	
PROPERTY TAXES	\$ 1,308,407	\$ 1,433,225	\$ 1,437,323	\$ (4,098)	110%	
FEES, LICENSE & PERMITS	\$ 730,000	\$ 493,619	\$ 547,023	\$ (53,404)	68%	
INTERGOVERNMENTAL REVENUES	\$ 1,148,676	\$ 986,986	\$ 929,317	\$ 57,669	86%	
SPECIAL ASSESSMENTS	\$ 132,000	\$ 129,754	\$ 131,790	\$ (2,036)	98%	
CHARGES FOR SERVICES	\$ 112,909	\$ 104,132	\$ 91,316	\$ 12,816	92%	
INTEREST	\$ 190,000	\$ 244,650	\$ 188,729	\$ 55,922	129%	
OTHER REVENUES/TRANSFERS	\$ 708,326	\$ 534,135	\$ 558,161	\$ (24,026)	75%	
TOTAL REVENUE	\$ 4,330,318	\$ 3,926,502	\$ 3,883,659	\$ 42,843	91%	
% Increase/(Decrease) over 2018				1.1%		
EXPENDITURES						
COUNCIL	\$ 127,775	\$ 72,981	\$ 77,801	\$ (4,820)	57%	
CLERK	\$ 91,483	\$ 68,622	\$ 66,724	\$ 1,899	75%	
CITY MANGER	\$ 281,079	\$ 208,538	\$ 200,237	\$ 8,301	74%	
HR/RISK MGMT	\$ 99,694	\$ 75,046	\$ 71,138	\$ 3,908	75%	
FINANCE	\$ 511,846	\$ 336,325	\$ 311,161	\$ 25,165	66%	
INFORMATION TECHNOLOGY	\$ 168,663	\$ 124,133	\$ 115,035	\$ 9,098	74%	
CONTRACTUAL SERVICES	\$ 448,566	\$ 303,860	\$ 293,752	\$ 10,108	68%	
BLDG FACILITIES MAINTENANCE	\$ 157,280	\$ 69,235	\$ 95,919	\$ (26,684)	44%	
CEMETERY MAINTENANCE	\$ 208,598	\$ 146,844	\$ 134,226	\$ 12,619	70%	
PLANNING & DEVELOPMENT	\$ 647,500	\$ 474,499	\$ 455,292	\$ 19,207	73%	
PLANNING & ZONING BOARDS	\$ 6,740	\$ 4,538	\$ 5,590	\$ (1,052)	67%	
DISTRICT LIGHTING	\$ 99,000	\$ 60,353	\$ 56,933	\$ 3,420	61%	
CAPITAL IMPROVEMENTS	\$ 72,890	\$ (4,715)	\$ 2,262	\$ (6,977)	-6%	
TRANSFERS OUT	\$ 1,603,735	\$ 1,263,344	\$ 1,331,442	\$ (68,098)	79%	
ADVANCE OUT (STREET FUND)	\$ 250,000	\$ 250,000	\$ -	\$ 250,000	100%	
TOTAL EXPENDITURES	\$ 4,774,849	\$ 3,453,603	\$ 3,217,512	\$ 236,092	72%	
% Increase/(Decrease) over 2018				7.3%		

*Includes carry over encumbrances from 2017

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending September 30, 2019 - (Unaudited)

Exhibit 1

POLICE DEPARTMENT (202)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
TAXES	\$ 7,986,360	\$ 8,399,068	\$ 8,365,072	\$ 33,995	105%
FEES, LICENSES, & PERMITS	\$ 81,600	\$ 74,035	\$ 56,458	\$ 17,576	91%
INTERGOVERNMENTAL REVENUES	\$ 1,247,134	\$ 1,165,569	\$ 1,055,963	\$ 109,606	93%
CHARGES FOR SERVICES	\$ 204,902	\$ 182,618	\$ 88,942	\$ 93,677	89%
OTHER REVENUE	\$ 42,000	\$ 68,138	\$ 131,635	\$ (63,497)	162%
TOTAL REVENUE	\$ 9,561,996	\$ 9,889,428	\$ 9,698,071	\$ 191,357	103%
% Increase/(Decrease) over 2018				2.0%	
EXPENDITURES					
BLDG FACILITIES MAINT	\$ 98,051	\$ 59,595	\$ 67,806	\$ (8,211)	61%
POLICE ADMIN	\$ 236,674	\$ 175,620	\$ 169,333	\$ 6,286	74%
SUPPORT SERVICES	\$ 1,692,476	\$ 1,227,495	\$ 1,182,801	\$ 44,695	73%
EMERGENCY DISPATCH -911 Funds	\$ 51,720	\$ 29,181	\$ 46,837	\$ (17,656)	56%
CORRECTIONS	\$ 246,816	\$ 195,080	\$ 166,757	\$ 28,323	79%
ALLOCABLE SUPPORT	\$ 1,845,704	\$ 1,112,641	\$ 1,001,093	\$ 111,547	60%
SPECIAL SERVICES	\$ 1,207,173	\$ 975,288	\$ 865,630	\$ 109,658	81%
POLICE OPERATIONS	\$ 5,464,476	\$ 3,462,236	\$ 3,499,585	\$ (37,349)	63%
OFF DUTY TRUST ACCOUNT	\$ 36,885	\$ 41,188	\$ 11,115	\$ 30,073	112%
COPP PROGRAM	\$ 3,300	\$ 570	\$ 51	\$ 519	17%
TOTAL EXPENDITURES	\$ 10,883,275	\$ 7,278,895	\$ 7,011,008	\$ 267,887	67%
% Increase/(Decrease) over 2018				3.8%	

*Includes carry over encumbrances from 2017

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending September 30, 2019 - (Unaudited)

Exhibit 1

STREET LEVY (203)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
TAXES	\$ 5,498,021	\$ 5,498,145	\$ 5,489,109	\$ 9,036	100%
FEES, LICENSE & PERMITS	\$ 19,100	\$ 6,874	\$ 23,132	\$ (16,257)	36%
INTERGOVERNMENTAL REVENUES	\$ 3,016,040	\$ 1,399,090	\$ 2,536,899	\$ (1,137,809)	46%
OTHER REVENUES	\$ 43,260	\$ 26,224	\$ 95,086	\$ (68,861)	61%
ADVANCE IN (From GF)	\$ 250,000	\$ 250,000	\$ -	\$ 250,000	100%
TOTAL REVENUE	\$ 8,826,421	\$ 7,180,334	\$ 8,144,226	\$ (963,892)	81%
% Increase/(Decrease) over 2018				(11.8%)	
EXPENDITURES					
ENGINEERING	\$ 148,781	\$ 108,098	\$ 126,843	\$ (18,745)	73%
BLDG FACILITIES MAINT	\$ 473,652	\$ 216,687	\$ 154,604	\$ 62,084	46%
STREET INSPECTION	\$ 561,267	\$ 378,776	\$ 364,477	\$ 14,299	67%
ADMINISTRATION	\$ 734,868	\$ 544,640	\$ 495,257	\$ 49,383	74%
STREET MAINTENANCE	\$ 2,702,183	\$ 1,893,654	\$ 980,491	\$ 913,162	70%
SNOW & ICE CONTROL	\$ 417,688	\$ 222,573	\$ 166,589	\$ 55,983	53%
WEED & GRASS CONTROL	\$ 345,310	\$ 184,531	\$ 317,472	\$ (132,941)	53%
VEHICLE & EQUIP MAINT.	\$ 370,204	\$ 211,099	\$ 161,728	\$ 49,371	57%
TRAFFIC SAFETY	\$ 835,844	\$ 587,065	\$ 499,234	\$ 87,831	70%
STORM WATER MAINT.	\$ 488,159	\$ 305,041	\$ 228,868	\$ 76,174	62%
Total Operating Expenditures	\$ 7,077,955	\$ 4,652,163	\$ 3,495,562	\$ 1,156,601	66%
% Increase/(Decrease) over 2018				33.1%	
CURRENT YEAR CAPITAL	\$ 5,885,115	\$ 2,076,171	\$ 2,620,492	\$ (544,321)	35%
TOTAL EXPENDITURES	\$ 12,963,070	\$ 6,728,334	\$ 6,116,054	\$ 612,281	52%
% Increase/(Decrease) over 2018				10.0%	

*Includes carry over encumbrances from 2017

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending September 30, 2019 - (Unaudited)

Exhibit 1

STREET MAINTENANCE FUND (204)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
COUNTY VEHICLE PERMISSIVE TAX	\$ 240,000	\$ 183,277	\$ 140,701	\$ 42,576	76%
GASOLINE/LICENSE TAXES	\$ 1,846,000	\$ 1,495,319	\$ 1,799,292	\$ (303,972)	81%
TOWNSHIP FUEL	\$ 115,000	\$ 89,707	\$ 90,246	\$ (539)	78%
INTEREST	\$ 4,000	\$ 4,994	\$ 6,313	\$ (1,319)	125%
OTHER REVENUES	\$ 3,000	\$ 102	\$ 26,648	\$ (26,547)	3%
TOTAL REVENUE	\$ 2,208,000	\$ 1,773,399	\$ 2,063,200	\$ (289,801)	80%
% Increase/(Decrease) over 2018				(14.0%)	
EXPENDITURES					
STREET MAINTENANCE	\$ 390,972	\$ 213,917	\$ 185,039	\$ 28,877	55%
ANNUAL PAVING	\$ 715,920	\$ 35,237	\$ 963,871	\$ (928,634)	5%
SNOW & ICE CONTROL	\$ 583,265	\$ 574,585	\$ 230,541	\$ 344,043	99%
CAPITAL IMPROVEMENTS	\$ 991,134	\$ 173,724	\$ 1,010,384	\$ (836,660)	18%
TOTAL EXPENDITURES	\$ 2,681,291	\$ 997,461	\$ 2,389,835	\$ (1,392,373)	37%
% Increase/(Decrease) over 2018				(58.3%)	
STREET CAPITAL FUND (260)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
PROPERTY TAX	\$ 2,536,390	\$ 2,672,714	\$ 2,666,410	\$ 6,304	105%
INTERGOVERNMENTAL - GRANTS	\$ 63,700	\$ 1,176,887	\$ 76,156	\$ 1,100,731	1848%
TOTAL REVENUE	\$ 2,600,090	\$ 3,849,601	\$ 2,742,566	\$ 1,107,034	148%
% Increase/(Decrease) over 2018				40.4%	
EXPENDITURES					
ANNUAL PAVING	\$ 1,424,116	\$ 29,651	\$ 672,745	\$ (643,094)	2%
CAPITAL IMPROVEMENTS	\$ 4,353,986	\$ 2,112,675	\$ 336,396	\$ 1,776,279	49%
TOTAL EXPENDITURES	\$ 5,778,102	\$ 2,142,326	\$ 1,009,141	\$ 1,133,185	37%
% Increase/(Decrease) over 2018				112.3%	
STREET CAPITAL IMPROVEMENT FUND (408)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
COUNTY AND MUNICIPAL LICENSE TAX	\$ 346,000	\$ 275,232	\$ 279,322	\$ (4,090)	80%
TOTAL REVENUE	\$ 346,000	\$ 275,232	\$ 279,322	\$ (4,090)	80%
% Increase/(Decrease) over 2018				(1.5%)	
EXPENDITURES					
AUDITORS FEE	\$ 22,815	\$ 250	\$ 2,540	\$ (2,290)	1%
CAPITAL OUTLAY	\$ 508,909	\$ 25,111	\$ 389,923	\$ (364,812)	5%
TRANSFERS OUT	\$ 31,012	\$ 23,259	\$ 23,864	\$ (605)	75%
TOTAL EXPENDITURES	\$ 562,736	\$ 48,620	\$ 416,327	\$ (367,707)	9%

*Includes carry over encumbrances from 2017

City of Beavercreek
Summary of Revenue and Expenditures
For Month Ending September 30, 2019 - (Unaudited)

Exhibit 1

RECREATION LEVY FUND (279)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
PROPERTY TAX	\$ 1,203,170	\$ 1,202,987	\$ 1,199,885	\$ 3,102	100%
INTERGOVERNMENTAL - GRANTS	\$ 243,349	\$ 204,343	\$ 198,399	\$ 5,944	84%
CHARGES FOR SERVICES	\$ 467,660	\$ 347,953	\$ 400,817	\$ (52,864)	74%
DONATIONS & OTHER REVENUE	\$ 48,313	\$ 37,663	\$ 48,125	\$ (10,463)	78%
TRANSFERS IN FROM GF	\$ 240,000	\$ 180,000	\$ 180,000	\$ -	75%
TOTAL REVENUE	\$ 2,202,492	\$ 1,972,945	\$ 2,027,227	\$ (54,282)	90%
% Increase/(Decrease) over 2018				(2.7%)	
EXPENDITURES					
PARKS MAINTENANCE	\$ 1,165,585	\$ 851,229	\$ 780,163	\$ 71,066	73%
ROTARY PARK	\$ 285,722	\$ 189,922	\$ 253,636	\$ (63,713)	66%
RECREATIONAL PROGRAMS	\$ 231,073	\$ 161,831	\$ 121,996	\$ 39,835	70%
SENIOR LEVY SERVICES	\$ 498,398	\$ 327,156	\$ 314,944	\$ 12,212	66%
CAPITAL	\$ 501,707	\$ 316,752	\$ 403,407	\$ (86,655)	63%
TRANSFER OUT	\$ 125,950	\$ 94,462	\$ 95,363	\$ (900)	75%
TOTAL EXPENDITURES	\$ 2,808,434	\$ 1,941,352	\$ 1,969,508	\$ (28,156)	69%
% Increase/(Decrease) over 2018				(1.4%)	
GOLF COURSE FUND (572)					
REVENUE	AMENDED 2019 BUDGET*	3RD QUARTER 2019 YTD ACTUAL	3RD QUARTER 2018 YTD ACTUAL	2019-2018 COMPARISON	% FY 2019 REV/EXP
GOLF & PRO SHOP	\$ 832,500	\$ 846,867	\$ 729,043	\$ 117,824	102%
FOOD & BEVERAGE REVENUE	\$ 452,000	\$ 377,284	\$ 346,300	\$ 30,984	83%
Total Operating Revenue	\$ 1,284,500	\$ 1,224,152	\$ 1,075,344	\$ 148,808	95%
% Increase/(Decrease) over 2018				13.8%	
MISC. REVENUE	\$ 7,650	\$ 7,226	\$ 124,186	\$ (116,960)	94%
REFUNDS & REIMBURSEMENT	\$ 64,923	\$ 13,983	\$ 13,189	\$ 794	22%
TRANSFERS IN FROM GF & MISC.	\$ 1,391,735	\$ 1,081,344	\$ 1,114,325	\$ (32,981)	78%
TOTAL REVENUE	\$ 2,748,808	\$ 2,326,705	\$ 2,327,044	\$ (339)	85%
% Increase/(Decrease) over 2018				(0.0%)	
EXPENDITURES					
OPERATIONS	\$ 701,039	\$ 556,540	\$ 535,706	\$ 20,833	79%
FOOD & BEVERAGE	\$ 417,426	\$ 433,081	\$ 469,816	\$ (36,736)	104%
MAINTENANCE	\$ 506,130	\$ 429,441	\$ 398,030	\$ 31,410	85%
Total Operating Expenditures	\$ 1,624,595	\$ 1,419,061	\$ 1,403,553	\$ 15,508	87%
% Increase/(Decrease) over 2018				1.1%	
CAPITAL EXPENDITURE	\$ 76,487	\$ 5,508	\$ 112,868	\$ (107,359)	7%
BOND AND INTEREST PAYMENT	\$ 924,106	\$ 857,053	\$ 857,866	\$ (813)	93%
TOTAL EXPENDITURES	\$ 2,625,188	\$ 2,281,623	\$ 2,374,286	\$ (92,664)	87%
% Increase/(Decrease) over 2018				(3.9%)	
NET OPERATING GAIN (LOSS)	\$ (340,095)	\$ (194,909)	\$ (328,209)	\$ 133,300	57%

*Includes carry over encumbrances from 2017

CITY OF BEAVERCREEK
PROPERTY TAX AND LOCAL GOVERNMENT FUND ANALYSIS

FUND & REVENUE TYPE	2019 AMENDED BUDGET	2019 3rd QUARTER YTD ACTUAL	DIFFERENCE ACT/BUDGET	% REC'D	2018 AMENDED BUDGET	2018 3rd QUARTER YTD ACTUAL	% REC'D	2019 TO 2018 INC/(DECR)	% Rev Inc./(Dec) 19 to 18
Property Taxes									
101-410300 <u>General Fund</u>	\$ 1,308,300	\$ 1,433,166	\$ 124,866	109.5%	\$ 1,437,281	\$ 1,437,281	100.0%	\$ (4,115)	(0.3%)
<u>Police Fund</u>									
202-410300 Property Taxes	\$ 7,628,330	\$ 8,008,186	\$ 379,856	105.0%	\$ 7,972,583	\$ 7,972,835	100.0%	\$ 35,351	0.4%
202-410315 Property Taxes (Pension)	\$ 357,780	\$ 390,599	\$ 32,819	109.2%	\$ 357,780	\$ 391,986	109.6%	\$ (1,387)	(0.4%)
Police Total	\$ 7,986,110	\$ 8,398,786	\$ 412,676	105.2%	\$ 8,330,363	\$ 8,364,821	100.4%	\$ 33,965	0.4%
			\$ -						
279-410300 <u>Parks Levy Fund</u>	\$ 1,203,080	\$ 1,202,946	\$ (134)	100.0%	\$ 1,199,849	\$ 1,199,849	100.0%	\$ 3,097	0.3%
<u>Street Levy Funds</u>									
203-410300 Property Taxes	\$ 5,497,871	\$ 5,497,871	\$ 0	100.0%	\$ 5,488,934	\$ 5,488,934	100.0%	\$ 8,937	0.2%
260-410300 Street Capital Improvement	\$ 2,536,300	\$ 2,672,714	\$ 136,414	105.4%	\$ 2,536,300	\$ 2,666,330	105.1%	\$ 6,384	0.2%
	\$ 8,034,171	\$ 8,170,585	\$ 136,414	101.7%	\$ 8,025,234	\$ 8,155,264	101.6%	\$ 15,321	0.2%
Total Property Taxes	\$ 18,531,661	\$ 19,205,482	\$ 673,821	103.6%	\$ 18,992,727	\$ 19,157,214	100.9%	\$ 48,268	0.3%
101-431000 Local Government	\$ 435,976	\$ 363,241	\$ (72,735)	83.3%	\$ 401,311	\$ 311,875	77.7%	\$ 51,365	16.5%

City of Beavercreek

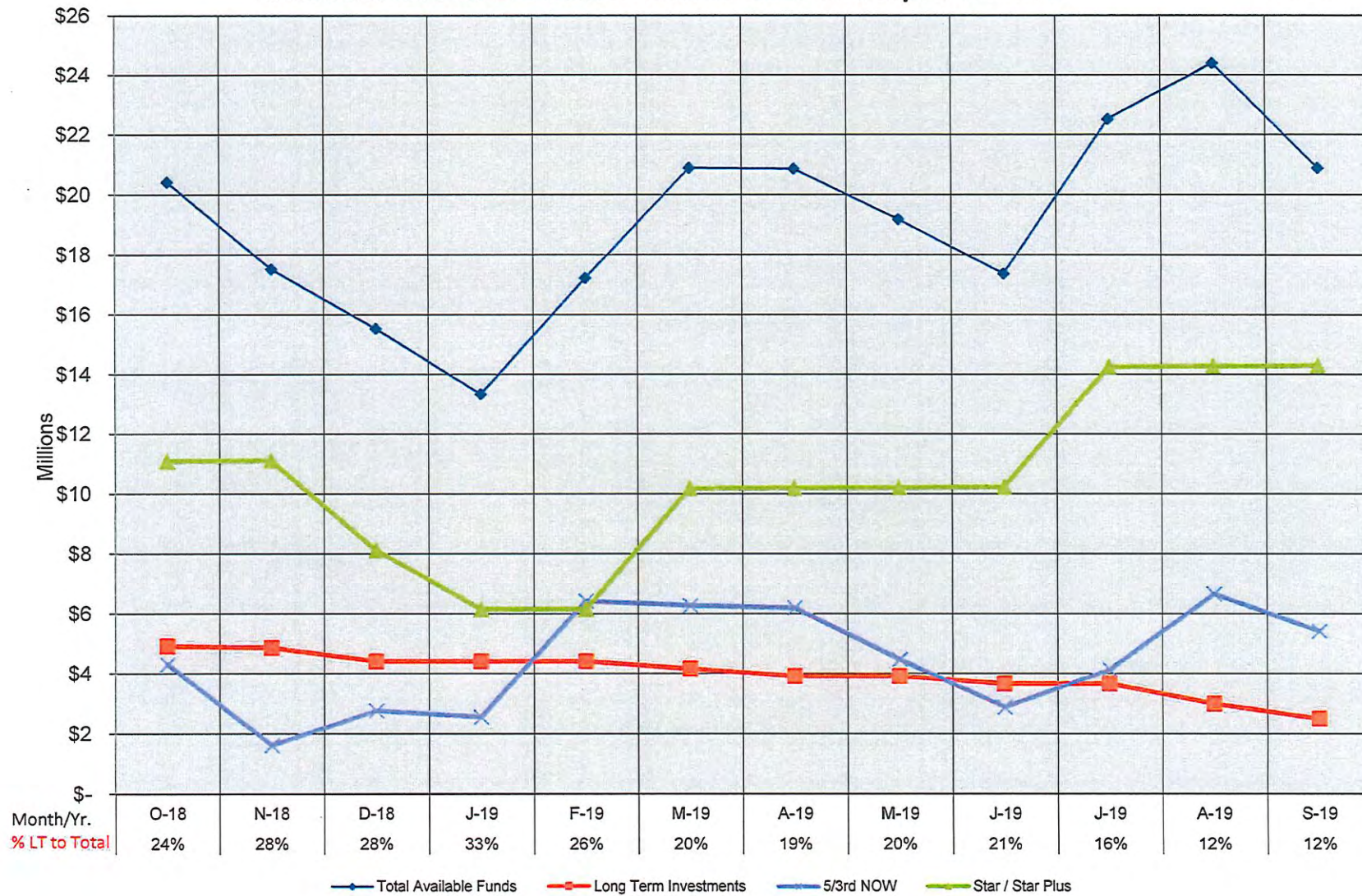
Overtime/Comp. Analysis - 3rd Quarter 2019 Compared to 3rd Quarter 2018

Fund/Dep/Division	Div.#	2019		2018		\$ Change		% Change		2019		% of Total	
										Budget	Budget Spent		
Planning & Zoning	1610	\$	220	\$	-	\$	220	100.0%		\$	615	35.7%	
Bldg. Facilities Maint.	3250	\$	-	\$	705	\$	(705)	(100.0%)		\$	500	-100.0%	
Cemetery Maint.	3750	\$	2,412	\$	1,675	\$	737	44.0%		\$	2,500	96.5%	
General Fund Total		\$	2,631	\$	2,380	\$	251	10.6%		\$	3,615	72.8%	
Police													
Support Services	2210	\$	40,913	\$	37,086	\$	3,828	10.3%		\$	40,000	102.3%	
Special Services	2510	\$	17,693	\$	20,432	\$	(2,739)	(13.4%)		\$	35,000	50.6%	
Operations	2610	\$	177,983	\$	127,138	\$	50,845	40.0%		\$	250,000	71.2%	
Special Duty	2615	\$	33,593	\$	8,220	\$	25,372	308.6%		\$	30,000	112.0%	
Bldg Maintenance	3250	\$	-	\$	176	\$	(176)	(100.0%)		\$	100	-100.0%	
Police Fund Total		\$	270,182	\$	193,052	\$	77,130	40.0%		\$	355,100	76.1%	
Street Levy Fund													
Engineering	1710	\$	321	\$	209	\$	112	0.0%		\$	-	100.0%	
Street Inspections	1720	\$	-	\$	-	\$	-	0.0%		\$	1,000	0.0%	
Administration	3110	\$	-	\$	76	\$	(76)	(100.0%)		\$	-	-100.0%	
Bldg Facilities Maint.	3250	\$	1,730	\$	1,231	\$	499	40.5%		\$	1,000	173.0%	
Street Maintenance	3320	\$	16,955	\$	11,721	\$	5,233	44.6%		\$	23,000	73.7%	
Snow & Ice Removal	3340	\$	98,490	\$	65,000	\$	33,490	51.5%		\$	100,000	98.5%	
Weed & Grass Control	3360	\$	1,954	\$	3,532	\$	(1,578)	(44.7%)		\$	515	379.4%	
Vehicle & Equipment	3410	\$	2,796	\$	4,058	\$	(1,262)	(31.1%)		\$	10,000	28.0%	
Traffic Safety	3510	\$	69,035	\$	12,597	\$	56,438	448.0%		\$	20,000	345.2%	
Storm Water	3610	\$	2,148	\$	1,826	\$	323	17.7%		\$	2,000	107.4%	
Street Levy Total		\$	193,108	\$	100,042	\$	93,067	93.0%		\$	157,515	122.6%	
State Highway													
	1110	\$	2,107	\$	175	\$	1,933	1104.9%		\$	2,000	105.4%	
Park Levy													
Parks Maintenance	3720	\$	25,007	\$	25,518	\$	(511)	(2.0%)		\$	15,000	166.7%	
Rotary Park	3729	\$	7,277	\$	6,471	\$	806	12.5%		\$	5,000	145.5%	
Senior Center	3852	\$	184	\$	684	\$	(500)	(73.1%)		\$	1,000	18.4%	
Park Levy Totals		\$	32,468	\$	32,673	\$	(205)	(0.6%)		\$	21,000	154.6%	
Golf Course													
Operations	4720	\$	-	\$	153	\$	(153)	0.0%		\$	250	-100.0%	
Food & Beverage	4730	\$	406	\$	2,015	\$	(1,609)	100.0%		\$	3,000	13.5%	
Maintenance	4740	\$	145	\$	370	\$	(225)	0.0%		\$	800	18.1%	
Golf Course Totals		\$	550	\$	2,537	\$	(1,987)	100.0%		\$	3,800	14.5%	
Year End Totals		\$	501,047	\$	330,859	\$	170,189	51.4%		\$	643,030	92.3%	

Comp Time Hours		Accrued YTD 9-30		Used YTD 9-30		Balance as of 9-30		Liab 9-30-19					
Analysis		2019	2018	2019	2018	2019	2018	2019	2018	O/S	Balance		
Parks/Eng/Planning	619	249	369	228	267	165	\$	6,523					
Police	2,048	1,721	2,053	1,795	2,931	\$	114,739						
Public Service	2,028	940	1,421	978	668	\$	16,967						
Totals		4,695	2,910	3,843	3,001	3,866	3,556	138,228					
% Difference 2019 to 2018			61.4%		28.1%		8.7%	1.3%					

Month End Investmet Balances -October 2018 thru September 2019

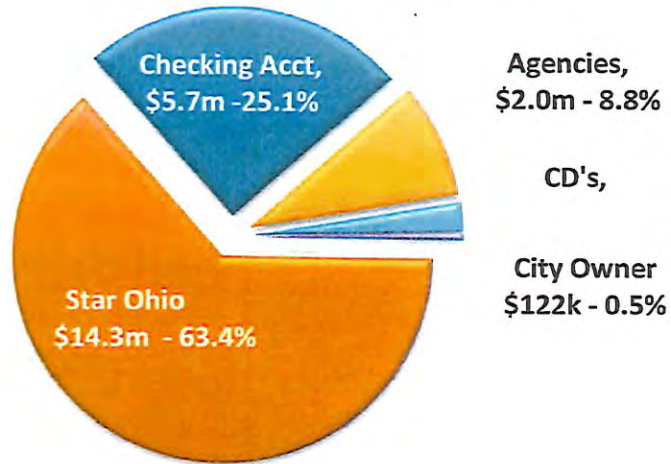
Exhibit 4



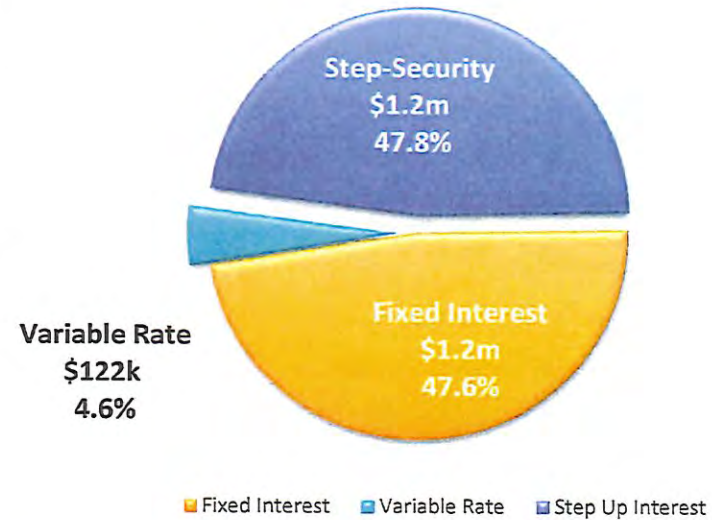
City of Beavercreek Portfolio Report September 2019

Exhibit 4

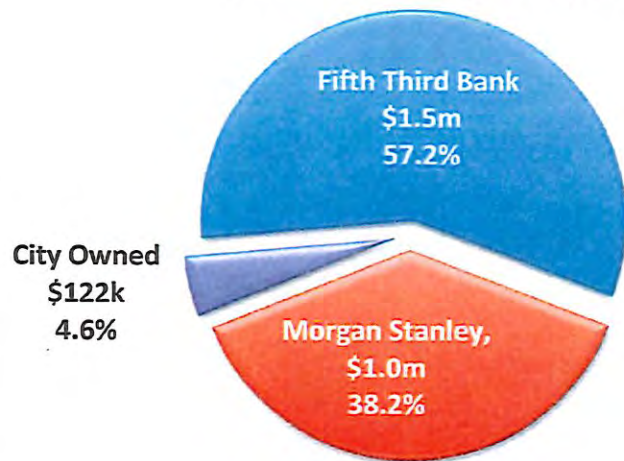
Investment by Type



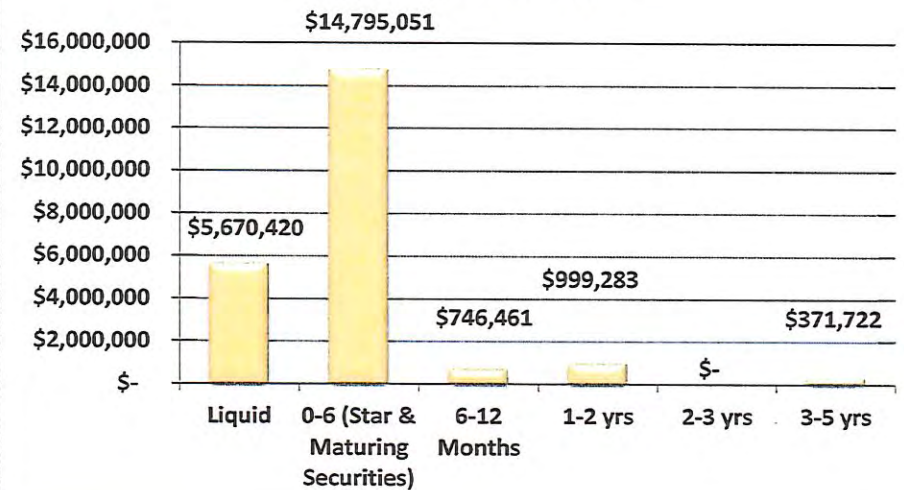
Investment Earnings Type



Investment by Broker



Maturity Schedule



CITY OF BEAVERCREEK INVESTMENT SUMMARY - SEPTEMBER 2019

INVESTMENT	Earnings Type	Security Type	BROKER	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT	
QIC, FR	JPMorgan Chase Bank CD	FR	CD	Morgan Stanley	1.450%									
	48126CKY0													
SAI, 1TC, FR	Fed Natl Mtg Assc	FR	Agency	Morgan Stanley	1.500%	1.500%	6/16/2016	12/16/2019	\$ 250,000.00	9/16/2019	1.500%	SAI - 6/16 & 12/16	\$ 3,750.00 12/16/2019	
SAI, 1TC	3136G3RL1													
	Federal Home Loan Step Mtg Corp MTN		Agency	Fifth Third	1.710%	2.533%	6/14/2018	5/22/2020	\$ 246,386.25	8/22/2019	2.531%	SAI- 5/22 & 11/22	\$ 4,275.00 11/22/2019	
	3134GBPU0													
SAI, CD	Capital One Bank	FR	CD	Morgan Stanley	1.900%	1.915%	8/16/2017	8/3/2020	\$ 250,074.69	NC	1.900%	SAI- 2/18 & 8/18	\$ 4,751.42 2/18/2020	
	Glen Allen VA CD													
	1404203Y4													
SAI, CC	Federal Home Ln Bank Bonds	FR	Agency	Fifth Third	1.375%	2.209%	9/2/2016	9/2/2020	\$ 250,000.00	CC after 3/2/17	1.375%	SAI 3/2, 9/2	\$ 3,437.50 3/2/1920	
	3130A94J7													
SAI, ST, QC	Federal Home Ln Mtg Corp	Step	Agency	Fifth Third	2.000%	2.015%	10/29/2015	10/29/2020	\$ 250,000.00	7/29/2019	1.125%	SAI 4/29, 10/29	\$ 5,000.00 10/29/2019	
	3134G7S77											10/29/19-4%, 4/29/20-5%		
SAI, ST	Federal Home Ln Mtg Corp	Step	Agency	Morgan Stanley	1.500%	1.586%	11/30/2016	11/27/2020	\$ 250,000.00	8/27/2019	1.250%	SAI 5/27, 11/27	\$ 3,750.00 11/27/2019	
	3134GAVN1											11/19-2% Steps		
SAI, ST	Federal National Mtg Assn Note	FR	Agency	Fifth Third	1.600%	1.789%	3/24/2017	12/24/2020	\$ 249,282.50	8/27/2019	1.611%	SAI 6/24 & 12/24	\$ 4,000.00 12/24/2019	
	3135G0SY0													
SAI, ST, SAC	Federal Home Ln Mtg Corp. Mtn	Step	Agency	Fifth Third	2.000%	2.200%	8/25/2016	8/25/2021	\$ 250,000.00	8/25/2019	1.375%	SAI 2/25, 8/25, Steps, 8/19-2%, 2/20-2.5%, 8/20 -4%, 2/21-6%	\$ 5,000.00 2/20/2020	
	3134G96W2													
SAI, ST, QC	Federal Home Ln Bank 3130ACL11	Step	Agency	Fifth Third	2.000%	2.435%	11/10/2017	10/27/2022	\$ 250,222.22	7/27/2019	1.998%	SAI 4/27, 10/27, Steps 4/20-2.25%, 10/20-2.5%, 4/21-2.75%, 10/21-3%, 4/22 4%	\$ 5,004.44 10/27/2019	
Long Term Investments as of September 2019 Held by Custodian									\$ 2,495,965.66					\$ 58,197.98
VR	Nutter Park Road -	Step	N/A	N/A	1.140%	2.695%	12/1/2015	8/1/2030	\$ 21,500.00	8/1/2030	N/A	SAI April & Aug; Steps	\$ 579.43 10/1/2019	
VR	Lantz Road	Step	N/A	N/A	3.250%	3.704%	9/10/2012	8/1/2032	\$ 100,000.00	8/1/2032	N/A	SAI April & Aug; Steps 4/24-4%	\$ 3,704.00 10/1/2019	
	Assessment - COB													
Long Term Investments as of September 30, 2019 Held by City									\$ 121,500.00					\$ 4,283.43
Total all Long Term Investments as of September 30, 2019									\$ 2,617,465.66					\$ 62,481.41
Estimated Rate of Return on Long Term Investments														1.90%

CITY OF BEAVERCREEK INVESTMENT SUMMARY - SEPTEMBER 2019

INVESTMENT	Earnings Type	Security Type	BROKER	INTEREST RATE (COUPON)	YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	AMOUNT	CALL or MATURITY DATE	YIELD TO CALL	NOTES	ANNUAL INT. AMOUNT	NEXT INTEREST PAYMENT
				Balance as of:		Valued		Projected Interest					
Star Ohio	Star Ohio	(52 days avg maturity)		2.25%		9/30/2019	Daily	\$ 11,789,544				\$ 265,264.74	
Star Ohio	Star Ohio Plus	(blended rate)		2.12%		9/30/2019	Daily	\$ 2,505,506				\$ 53,116.74	
5/3rd Bk	Public Fund Now Acct			1.25%	#	9/30/2019	Daily	\$ 5,670,420				\$ 70,880.25	
Operating Investments as of September 30, 2019								\$ 19,965,471			Total All Investments	\$ 447,159.26	
Total Investment as of September 30, 2019								\$ 22,582,936.64					

Total Portfolio Return 2.13%

Benchmarks	Target: Fed Funds Rate	2.13%	Source: Federalreserve.gov	8/31/2019
Benchmarks	12 Month Treasuries	1.72%	Source: Federalreserve.gov	8/31/2019
Benchmarks	2 yr Treasuries	1.47%	Source: Federalreserve.gov	8/31/2019

Tickmarks:

SAI=Semi Annual Interest, QIC=Quarterly Interest, AC=Annual Call SAC=Semi Annual Call, QC=Quarterly Call CC=Continuous Call, ST=Step Security, 1TC=One Time Call, FC= Fixed Coupon, CD = Certificate of Deposit,

IQ = Interest Paid Qtrly on CD, FR=Fixed Rate, MI= Monthly Interest, (#) rate provided by 5/3rd Bank - deposits offset banking charges - changed from .25% to .50% with new collateral change from 102% to 50%.

VR+ Variable Rates based on repayment schedule prepared by bonding agent.

INVESTMENTS CALLED OR MATURED 2019

MI, CD	Wells Fargo Bk CD	FR	CD	Morgan Stanley	1.200%	1.200%	3/9/2016	3/11/2019	\$ 248,000.00	Matured 3/11/19	NC	Monthly Interest	\$ 2,976.00
	9497483V7			Stanley						Called 4/25/2019	1.500%	QI - 1-4-7-10/25	\$ 4,687.50
	Fed Natl Mtg Assc	Step	Agency	Morgan Stanley	1.875%	1.625%	8/18/2016	10/25/2019	\$ 249,724.83				
	3136G3YH2			Stanley									
SAI, 1TC	Fed Natl Mtg Assc	FR	Agency	Fifth Third	1.000%	1.000%	6/28/2016	6/28/2019	\$ 250,000.00	Matured 6/28/19	1.000%	SAI-12/28 & 6/28	\$ 2,500.00
	Note 3136G3TJ4												
SAI, CD, FR	Discover Bank CD	FR	CD	Morgan Stanley	1.210%	1.210%	8/24/2016	8/26/2019	\$ 250,000.00	Matured 6/28/19	1.200%	SAI- 2/24, 8/24	\$ 3,025.00
	254672H35			Stanley									
SAI, SAC	Federal Home Ln	Step	Agency	Fifth Third	1.750%	1.924%	8/24/2016	8/24/2021	\$ 250,000.00	Called 8/24/2019	1.000%	SAI - 8/24 & 2/24, Steps 8/19-2.25%, 2/20-2.75%, 2/21-3.25%, 8/21 3.75%	\$ 4,375.00
	Bank												
SAI, ST, QC	3130A8VG5												
	Federal Home MTG	Step	Agency	Fifth Third	2.250%	2.970%	7/6/2018	11/30/2022	\$ 168,427.50	Called 8/30/2019	2.911%	SAI -5/30, 11/30 Steps - 11/30/19 - 3%	\$ 3,789.62
	BORP 3134GBY97												
SAI, ST, QC	Federal Home Ln	Step	Agency	Fifth Third	2.000%	2.310%	12/14/2016	12/14/2021	\$ 250,000.00	Called 9/14/2019	2.000%	SAI- 6/14 & 12/14, Steps 12/19-3%, 12/20-4%	\$ 5,000.00
	Bank 3130AA3J5												
SAI, 1TC, ST	HSBC Bank CD	Step	CD	Fifth Third	3.000%	2.267%	3/24/2016	3/24/2021	\$ 248,000.00	Called 9/24/2019	2.990%	SAI - 3/24, 9/24 - Steps 3/24/20-4%	\$ 7,440.00
	40434AR68												
Total								\$ 1,914,152.33					



CITY COUNCIL
Budget Work Session – November 18, 2019 5:00 p.m.
Council Chambers

*1368 Research Park Dr
Beavercreek, Ohio*

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. 2020 Budget Item – Police Fund
 - B. 2020 Budget Item – Parks and Recreation Fund
- V. ADJOURNMENT

DRAFT



CITY COUNCIL
Budget Work Session – November 20, 2019 5:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
 - A. 2020 Budget Item – Street Fund
 - B. 2020 Budget Item – Five Year Capital
 - C. 2020 Budget Item – Golf Fund
 - D. 2020 Budget Item – General Fund
- V. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

November 5, 2019

CITY COUNCIL

November 11, 2019

- PUD 17-4 Amendment 9/19, Rock Drive MOB, second reading

November 25, 2019

- PUD 17-4 Amendment 9/19, Rock Drive MOB, third reading

Tabled / Delayed / Pending

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PLANNING COMMISSION

November 6, 2019

- S-19-4, Park Overlook Partners II Replat
- S-19-5, Dunkin Donuts Replat
- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign

Tabled / Delayed / Pending

- PUD 19-1 SSP #1, IH Credit Union, public hearing (Case was tabled per applicant's request)
-

Commercial Permits Submitted and Under Review

- Noah's Event Venue
- Fifth Third Bank

BOARD OF ZONING APPEALS

November 13, 2019

- CU-19-2, American Tower, 4040 Graham Drive (Remains on agenda due to 2-1 vote at September meeting. Applicant requested case be heard at November BZA Meeting.)
- V-19-5, Ryan Silcox, 3498 Harmeling Drive

Currently Tabled or Delayed

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